HE CENTRAL | AW JOURNAL

SEYMOUR D. THOMPSON, Editor.

ST. LOUIS, FRIDAY, DECEMBER 31, 1875.

Hon. JOHN F. DILLO Contributing Editor.

[Where the names of the cases are given, the cases are reported in full.]

ABANDONMENT.

Of Realty, when presumed, 67.

ABATEMENT

Of personal actions; actio personalis moritur cum persona, 301.

ABBOTT, AUSTIN.

Sketch of, 445.

ACCESSORY (See PRIZE FIGHT.)

ACCORD AND SATISFACTION.

Payment of less than amount due, no satisfaction.

ACCRETIONS.

Dower in accretions to husband's land, 277. See WATERCOURSES.

ACCOUNT RENDER

Action of, in Tennessee not abolished, but dis-used. Bolton v. Dickens, 477.

Abatement of personal actions by death, 301. Right of for injury resulting in death, See REME-

Action of Deceit. See DECEIT.

ACTIONS OUI TAM.

The Brighton Aquarium Case, 453,

[See also BOTTOMRY BONDS; SEAMEN'S WAGES; MARITIME LIEN; MARITIME CONTRACT.] Negligence in towing barge; injury to another steamer by collision, 240. Limiting liability of ship-owner; jurisdiction, prac-

tice; fire at sea; collision, 241.

Negligence; poisoning of infant passenger; when administrator may being suit in rem, 241.

Limitation of liability in case of killing or injuring

passengers; jurisdiction; procedure, 242.
Fraudulent register; forfeiture of vessel; bona

Fraudulent register; infended of vessel, fide purchaser, 242.
Negligent loss of tow, 242.
Negligence by pilot; running vessel against river pier. Atlee v. N. W. U. Packet Co., 254.
Lien for supplies in home port, when existing and when affereeable in the federal courts. The

when enforceable in the federal courts. The Lotawana, 405, 410; dissenting opinion of Mr. Justice Clifford, 426.

ADMIRALTY JURISDICTION.

[See also SUPREME COURT OF THE UNITED STATES.

Limiting liability of ship-owners, when a sub-ject of exclusive admiralty cognizance, 241,

Jurisdiction of claim for cooperage rendered partly on vessel and partly on wharl, 242.

General maritime law; how far operative in this country; differs in different countries; limits of maritime law and jurisdiction a judicial question; changes in law can only be made by Congress changes in law can only be made by Congress; authority of Congress to establish liens under power to regulate commerce; when state legis-lation is competent to do so; state liens valid, but enforceable only in federal courts. The Lotawana, 410; dissenting opinion of Mr. Justice Clifford, 426.

ADVANCEMENT.

[See also DEBTOR and CREDITOR.]
Transfer of Stock into joint names of transferor, daughter and son-in-law, 709.

ADVERSE POSSESSION.

See also LIMITATIONS.]

By trustee after repudiation of trust, 225. Nature of, required under twenty-year statute of

Illinois, 227.

Possession under the Indiana statute of twenty years. Bowen v. Preston, 251. When acts of ownership necessary to show ad-

verse possession of chattels, 420. What is adverse possession, 527.

AFFIDAVITS.

To be used in federal courts, when notaries may

take, 277. Validity of, written in pencil. Lord v. Dunbarton, 603.

AGENCY.

[As to Insurance Agents, See INSURANCE.] Effect upon contract, of bribing agent, 219, 451.

Effect of war on authority of agent to receive payment. 227.

Extent of cotton broker's agency determined on the facts of the case, 402. When a public officer will be personally liable on

his contracts, and when not, 468. Lease executed by agent with individual coven-

ants, not valid, 562-3. Liability of a bank acting as agent for collection in

failing to have notice of protest served on endorser, 616.
Undisclosed principal liable for contract made with him in agent's name; otherwise disclosed

principal, 726.

Undisclosed principal, when not liable on implied contract of agent, 726.

Agent making written contract in his own name; parol evidence not admissible to show agency,

726. Liability of agent for collection of time draft, for delivering bill of lading to drawee on accep-tance and before payment. Nat. Bank, etc., v. Merchants' Nat. Bank, 802.

ALIENS.

See also NATURALIZATION.]

Effect of deed to alien under laws of Mexico in force in Texas in 1836. Hammakin v. Clayton, 188.

ALTERATION (See WRITTEN INSTRUMENTS.) AMENDMENT.

Of declaration upon forfeited recognizance. United States v. George, 77.
When record may be amended in equity cases af-

ter final decree, 450.
Amendments under Kansas Code, changing cause of action, 457.

AMERICAN LAW BOOKS.

English opinions of, 181.

APPEALS AND APPELLATE PROCEDURE.

As to appellate procedure in United States Su-preme Court, See SUPREME COURT OF THE UNITED STATES.

Sureties' liability as to appeals; practice as to appeals in U. S. Supreme Court, 482.

Oral arguments in courts of error, 550.

Appeal not cut off by anjunction, when, 678.

When error, in remanding cause, to direct judgment for plaintiff. Emery's Sons v. Irving Nat. Bank, 716.

ANCESTOR AND HEIR.

Heir estopped by illegality of ancestor's contract, 695. See DESCENT.

ANCIENT LIGHTS.

When easement of light and air not implied from grant, 402.

ANCIENT COMMON LAW RECORDS.

Views of Mr. Pym Yeatman as to publication of, 149.

ANDERSON, HON, FULTON,

Death of, 36,

ARBITRATION.

Between members of corporation under by-laws,

Revocation of submission, 434. Submission to arbitration by public officers; award does not make them personally liable, 468.

When award not under seal not binding, 468. RKANSAS

Contest between Baxter and Brooks, relative to governorship of; decision by special Judge Williams of Supreme Court of Arkansas, 118.

Views of the Financier with reference to; whether the President can set up and tear down state governments at pleasure, 133, 145.

APPELLATE DECISIONS.

[See also JUDICIAL LEGISLATION.]

Conclusiveness of, 93.

ARREST OF DEBTOR, (See BANKRUPTCY.)

ARREST OF JUDGMENT.

When had in criminal case, in Indiana, 661.

ASSIGNMENT.

Of title bond, effect of, 180.

Equitable assignment of fund by order drawn therefor; assignment of wages before earned,

Order drawn for part of general fund, and assign-

ment pro tanto in equity, 508, 509.
Delivery of savings bank pass-book, when an equitable assignment of deposit, 575.
Action for malicious prosecution not assignable,

649. Assignment for benefit of creditors; when debtor estopped by acquiescence in, 663.

On play-actor; basis for computing damages; exemplary damages; damages for mental suffer-ing in case of wilfulness of injury, Welch v.

Ware, 346.
ASSOCIATION FOR THE REFORM AND CODIFICATION OF THE LAW OF NA-

Proceedings of annual conference at the Hague, 617.

ATTACHMENT.

TTACHMEN 1.

Rights of intervening creditors, where attachment is quashed after delivery bond given, 95, 129.

Judgment enforceable only against property attached, and has no extra-territorial force, 434.

May be had in federal courts, 696, 775. When May be had in federal courts, 696, 775. When assignee in bankruptcy may sue by. Ibid., 775. Facts under which an attachment was held dis-

Facts under which property acquired by attachment still subsisted as property unsold, 711.

When assignee in bankruptcy takes property sub-

ject to hen of attachment, and may be sued for same, 711.

Proceedings by attachment in a state court against a steamboat, under a state statute giving a proceeding in rem, void—such act unconstitutional, and the officer liable as a trespasser, 808,

ATTORNEYS AND COUNSELLORS.

Lien of, not subject to diminution by set-off, 96. When attorney may retain possession of sheriff's deed to secure his fees, 146. Compensation where attorney is employed to go

out of state, 147.
Earnings of great lights of the law, 148.
Negligence by, 161.
Effect of payment to, in depreciated currency,

Power of advocate to bind his client by a compromise. Anonymous, 384.

AUDITOR'S CERTIFICATE.

See MUNICIPAL INDEBTEDNESS.

AUTHORS OF LAW BOOKS. A question for, 549.

AUTREFOIS CONVICT. Second conviction under different statute for the same offense. Wemys v. Hopkins, 509.

BAILMENTS

Diligence required of gratuitous bailee, First Nat, Bank of Lyons v. Ocean Nat, Bank, 267. Status of bailee under contract for hire; effect of

When parting with possession of thing bailed,

discharges bailee's lien; when resumption of Corporations.

BAMFORD v. BURRILL

Observations upon the case of Bamford v. Burrill, 2 Bos & Pul. r, with reference to the fact that it is omitted in Cooke's Edition of Bosenquet and Puller's Reports, 824.

BANKRUPT ACT

Adjudication.

[See also Constitutional Law, sub-title "Uniform System of Bankruptcy."]

Attaching creditor may intervene and oppose,

adjudication, 774.

When attaching creditor may move to set aside. Re Bergeron, 507.

Act of Bankruptcy.

Assignment for creditors is, 807. Circumstances of fraud which amount to, 807.

Amendatory Act of 1874.

Special verdict on issue made on creditors's petition; amended petition filed by consent; subsequent dismissal erroneous. In re King, 92.

Permits amendment of petition so as to relate back to commencement of proceedings, 110.

Eleventh section of Act of 1874, how far retroactive. Singer v. Sloan, 133, 141, 218; Brooke v. McCracken, 142 (note).

v. McCracken, 143 (note).

Distinction between "reasonable cause to believe" in the old law, and "knowledge" in the new. Ibid.

new, Ibid.
Court will order additional meeting of creditors in consequence of new law when, Ibid.
Retroactive effect of § 9 of Act of 1874, with reference to applications for discharge, Ibid.
Section 12 of new law amended both § 39 and § 23 of old, Ibid.
Act of 1874 not retroactive. Re Montgomery,

Appeals to supreme court. Stickney v. Wilt, 39
Supervisory jurisdiction of circuit court under 2 2
Ibid.

May impeach fraudulent conveyance without ob-

taining judgment at law, 599. Suit against assignee in state court by attaching creditor ;defences, 711.

May sue in state court, or intervene where money is brought in under void execution, 726.

Allegation and proof of representative character,

Assignee appearing in state court, can not after-wards have injunction against state court, 774. Assignee bound by what acts of insolvent debtor,

Assignment by Debtor.

May be voidable at suit of assignee, though not void, 726. Will hold good notwithstanding bankruptcy pro-

will fold good notwithstanding bankruptcy proceedings, when, 388.

Dissolved by proceeding in bankruptcy, 578,
When assignee takes property subject to lien of attachment and may be sued for same, 711.

Effect of defence by assignee that the property was subject to a mortgage; fraud; estoppel,

Voluntary assignment under insolvent law of Missouri not within act of Feb. 13, 1873, and is not a proceeding duly commenced against a cor-poration for the purpose of winding up its affairs and does not oust the jurisdiction of bankrupt court, 224.

Compositions.

What creditors counted, 40.
When a discontinuance will be refused after composition, although a majority in number and value of creditors have consented, 126.

Composition; delivery warrant; advance on faith of illusory security. In re Moore, 239. When avoided by false representations; effect of creditor combining with debtor for fraudulent

preference under composition deed, 240. Right of creditor who has stipulated for a secret

advantage to prove his original debt in bank-ruptey. Brookmire v. Bean, 265.

The cases of Spades v. Spades, and Muir v. Foley commented on; number and value of secured creditors who may vote; secured creditors whether or not vote, 713.

Railroad company may be adjudged bankrupt.

In re California Pacific Railroad, 79.

Foreign corporation not having complied with laws of state permitting it to do business, may not prove claim against bankrupt, 126.

When proceeding under state insolvent laws is

not a proceeding against a corporation for the purpose of winding up its affairs, 224.

ction by assignee against stockholder for un-paid subscription; defence of fraud on part of corporation in procuring stockholder to take stock; laches. Farrar v. Walker, 670.

When court may order assessment upon stock; conclusiveness of such assessment, 700.

Of enforcing mortgage in bankruptcy, 241. Counsel fees: services before adjudication, 242. Discharge.

When no bar to a suit against suits on injunction

bond, 712. Homestead abandoned after discharge becomes subject to execution, 840,

Restraining proceedings at law, creditor omitted from schedule and not notified of proceeding; jurisdiction, 15.

Cuts off debts of creditors omitted from schedule,

Jurisdiction to grant, not dependent on correctness of schedule, nor on actual reception of notice by creditors, 81.

Suit at law will be restrained until application for discharge is determined, 81.

discharge is determined, 81.

Proportion of assets to debts prior to December 1, 1873. Operates only as absolution of personal obligation, 112.

Effect of death of bankrupt before final oath is

lodged among the files, 224.

Limitation of one year as to, not repealed, etc., Re Lowenstine, 351. Failure to enter opposition to discharge at meet-ing called for that purpose, cured by showing

want of notice, 419.

Debt created by fraud not discharged, although

merged in judgment, 696, 773. Effect of stipulation not to arrest, on right of dis-

charge, 696, 773. Claim of creditor not on schedule and not notified, barred, 774.

Discontinuance of Proceedings.

(See subtitle Composition).

Whether claims draw interest after filing petition in bankruptcy, 242. Preference of United States, 696, 774.

Enjoining Suits at Law; Controover Suits in

Suits at law will be restrained until application

for discharge determined, 81,

Power of bankrupt court to protect debtor from arrest; habeas corpus. In re Williams and McPherson, 110.

When suit in state courts will be enjoined,

Walker v. Seigel, 508.
Who are necessary parties to such an order. *Ibid*.
Foreclosure proceedings in state court may be stayed, 725.

Examination of Bankrupt.

Right of bankrupt to be further examined in his own behalf, 40.

Power of court to compel him to disgorge hidden

rower or court to compet him to disgorge hidden property. In re Salkey & Gerson, 110,

Bankrupt failing to account for property admitted to be in his hands, may be imprisoned, 224.

May be imprisoned for contempt on failure to give safety for the restaurant. give satisfactory, statement, 291.

Exemptions.

Out of partnership assets, 86; In re, Handlin & Venny, 264. Under the laws of Illinois, 530

Out of property levied upon before commence-ment of proceedings, 725.

Fraudulent Preference.

Taking fraudulent bill of sale, 15.

Mortgage of homestead a preference; surrender of same, 81. e, 81.

When stoppage in transitu, the purchaser becoming bankrupt, is not an illegal preference, 111.
Payment of depositors by bank which has become bankrupt; procurement of certificate of deposit

in another bank; ratification of payment by dein another bank; raumeanous, 111.
positors, an illegal preference, 111.
Right of lien creditor to fund, 161, 179.
Right of attorney. First Nat.

Bank v. Jones. 192.

Measure of damages in case of recovery by assignee of damages for property sold by sheriff under fraudulent confession of judgment by in-

solvent, 192, 193, 210, Fraudulent preference; judgment note, 244. Pledgor may retain possession of pledged collater-als for collection. Clark v. Iselin, 210.

Right of creditor who, in consenting to a com-position, has stipulated for a secret advantage, to prove his original debt in bankruptcy. Brook-mire v. Bean (with note by E. T. A.), 265. Act of 1874, § 11, construed; only declaratory of

the previous law, 440.

Preferences under the English bankrupt law, 534.

Debtor may convey bona fide for present consideration, though insolvent; fraudulent intent must exist; power of district court to issue provisional warrant or injunction to permit disposal of property, 725. Rights of subsequent creditors as to fraudulent

creditors; when assignee may impeach for fraud; failure to record evidence of fraud, 726.

Jurisdiction of Federal Court.

Excludes jurisdiction of state court, when, 126. Has exclusive jurisdiction to settle bankrupt's es-

tate, 508.
Original jurisdiction in bankruptcy of United States Circuit Court, 724.

Jurisdiction of State Courts.

To foreclose lien, 112.

To enquire into validity of discharge, 113. When jurisdiction of bankrupt court is exclusive,

Effect of voluntarily submitting to, 160.

Judgment of state court against assignee; how regarded in federal court, 530.

Lien Creditors.

Execution returned nulla bona gives no lien, 224. Lien for rent under state statute; Longstreth v. Pennock, 192, commented on; 239; Austiny, O'Reilly, 455, 773. When mechanic's lien enforceable in state court,

notwithstanding bankruptcy, 695.

Of action by or against assignee in bankruptcy, in case of fraud, does not begin to run until discovery of the fraud. Bailey v. Wier, 290. Limitation of one year as to discharge. Re Low-

enstine, 349.

Debts barred by limitation not provable. Re

Næsen, 570. Bankruptcy and the statute of limitations; article by Francis Hilliard, 761. When the statute ceases to run agianst creditor's

claim, 774.

Number and Value of Creditors.

Fraudulently preferred creditors not to be counted

Re Isreal, 219.
Petition to set aside adjudication sustained if aggregate of petitioner's debts equals one-third the aggregate of all the debts provable. e aggregate of all the debts provable against the estate. Re Bergeron, 507.

Partnership.

Meaning of the term "separate estate," 126.
Partnership assets applied to payment of debts,
without reference to disposition of interests of
partners among themselves, 126.

When firm will be permitted to prove debt against separate estate of partner, In re McEwen & ns, 233.

Distribution; section 36 construed; when firm and individual creditors must share pari passu, Ibid.

Exemptions out of partnership assets. In re, Handlin & Venny, 264 Partnership not entitled to retain surplus arising from securities held by one partner, 725.

Plea of Bankruptcy.

Does not of itself operate as a stay of proceedings,

Judgment by default in state court against bankrupt reviewed when, 725.

Proof of Claims.

Supported by false oath forfeits all dividends, Marrett v. Atterbury. 11. Rents accruing after adjudication; landlord's lien

Re Schulman, 44; Long. for rents; priorities. A streth v. Pennock, 192.

B

B

B.

B

B

B

Claims not proved by second meeting, not entitled to participate in distribution, 86.

Re-examination of claim; practice, 212.

When a bank which has made advances on de-livery warrants given for goods afterwards stopped in transitu, will be entitled to prove for amount of advances only. In Re Moore, 239.

Claim for damages in tort not provable, 402. Claims barred by limitation not provable. Re Næsen, 370. Judgment for assault and battery not provable,

when, 663.
Claim of person holding stocks on a margin expunged as to depreciation accruing after bank-

ruptcy, 709. Claim of U. S. for a penalty provable, 725.

[See also sub-title LIEN CREDITORS.]

Assignee must pay; rent subsequent to com-mencement of proceedings, not a provable debt,

774. Effect of rent note; in case of assignment for creditors, assignee must pay rent, 807.

Secured Creditors.

Have debt provable under § 39, for amount of claim over value of security; In re Frost, over-ruled; court has jurisdiction to determine value of security. In re California Pacific R. R. Co.,

Rights of pledgor, 210.

Creditor holding personal security for part of his claim may prove for his entire claim as unsecured, 578

What security must be liquidated before proving

debt, 725.
Effect of proving note as unsecured, when endorser is secured by a mortgage, 725.
Creditor holding collateral may prove debt as secured, 725.

Set-off.

When debtor, who is transferee of bankrupt's note, can not set it off against estate, 774.

BANKS AND BANKING.

Accommodation endorsement by cashier; official endorsement of individual note. West St. L., etc., Bank v. Shawnee, etc., Bank, 46.

Certification of check, 52.

Draft against designated fund; equitable assign-

ment; estoppel, 194. Rights of bank which has discounted note of lunatic. Lancaster, etc., Bank v. Moore, 522. Bank check; effect of withdrawal of deposit be-

Bank check; effect of withdrawal of deposit be-forepayment, 574.

Delivery of savings bank pass-book, when an equitable assignment of deposit, 575.

Right to recover money paid on forged check. Third Nat. Bank v. Allen, 612; Guardians v. Wheelwright, 674.

Where money is left to pay note, bank not agent of payer 273.

of payee, 727. Construction of bank charter; power to receive

special deposit; ultra vires. First Nat. Bank v. Citizens Bank, 757. Right of action where money has been paid in consequence of forged endorsement on lost

draft, 791. drait, 79x.

Collecting bank may deliver bill of lading to drawee on acceptance and before payment in absence of contrary instructions Nat. Bk. of Commerce v. Merchants Nat. Bank of Memphis, 803.

Circumstances under which a deposit in a bank of a check drawn on that bank, is no payment. National Gold Bank, etc., v. McDonald, 821.

BAR ASSOCIATION OF SAINT LOUIS. Minutes of proceedings of, 293, 309, 357.

BAR ASSOCIATION OF NASHVILLE. Organization of, 325.

BAXTER v BROOKS.

See ARKANSAS.

BASTARDY PROCEEDINGS.

Quantum of proof, 163.

BAWDY HOUSE.

Leasing for purpose of prostitution; failure of lessee to enter and take possession, 631.

BEACH, WM. A.

Sketch of, 189.

BENEDICT, JUDGE.

Suit against, by Mr. Lange, 37.

BERLIN IURIDICAL SOCIETY. A trief account of, 713.

BETTERMENTS

See MELIORATIONS.

RETTING ON ELECTIONS.

When a wager, and void, 34.

BIGAMY.

Effect of the statute of limitations upon : decision in the case of Elder Cannon, 246. Indictment for, which was held sufficient after

verdict, 711.

Evidence of former marriage, 711. Instructions in trial for, which did not prejudice defendant, 711.

BILLS OF CREDIT.

What are, 774.

BILL OF EXCEPTIONS.

Not competent as evidence on a subsequent trial,

Time allowed for preparing, in Indiana, 661.

BILLS OF LADING.

Bill of lading may be delivered to drawee of time draft before acceptance, when. Nat. Bank of Commerce v. Merchts. Nat. Bk., 803, See CONSIGNOR and CONSIGNEE.

BILLS. NOTES AND BONDS. See NEGOTIABLE PAPER.

BOARDS OF HEALTH, LOCAL.

What by-laws are "reasonable," 451.

BOARDS OF SURVEY.

See GOVERNMENT CONTRACTS.

[As to Municipal Bonds, see MUNICIPAL INDEBT-

Given in judicial proceeding; replevy bond under Tennessee Code. Stephens v. Green Co. Iron Works, 44. Seizure under writ de retorno habendo releases

replevin bond, 191.

Liability on replevin bond, 371. BOOK NOTICES.

Abbott's Beecher Trial, 514. American Law Times Reports, 175. American Railway Reports, 13. American Reports, 112, 259, 823.

Angell and Ames on Corporations, 10th Ed., 305. Benedict's Reports vol. 6, 241.
Benjamin on Sales, Perkins' Ed., 85.
Bigelow's Life Insurance Reports, Vol. 4, 576, 613.

Blackwell on Tax Titles, Ewell's Edition, 226, Browne on Insanity, 836. Campbell's Lives of the Lord Chancellors, 13. Dean's Principles of Conveyancing, 403. DeColyar on Guaranties, etc., 243. Desty's Federal Procedure, 448. Dickson's Analysis of Kent's Commentaries, 291. Dickson's Analysis of Kent's Commentaries, 291.
Digby's History of the Law of Real Property, 645.
Field's County and Township Officers, 226.
Fisher's Patent Cases, Vol. 6, 162.
Fisher, Samuel S. In Memoriam, 14.
Forum Law Review, 436.
Forsyth's Hortensius, republished under the name

of" The History of Lawyers, Ancient and Mod-

ern, 305, 427, 463. Forsyth's Hortensius, 339. Fortescue's DeLaudibus Legum Angliæ, 242. Freeman on Cotenancy and Partition, 95.

Freeman on Cotenancy and Partition, 95.
Greenleaf's Testimony of the Evangelists, 14.
Green's Criminal Law Reports, Vol. 2, 789.
Guernsey, Municipal Law and its Relation to the
Constitution of Man, 65.
Hammond, Synopsis of law of Torts, 13.
Hammond, Synopsis of Bailments, 338.
Honover on Horses, 694.
Heard's Trial of Leavitt Alley, 339.
Hecker's Cases on Warranty, 789. Hecker's Cases on Warranty, 789. Herman on Executions, 339. High on Extraordinary Remedies, 34.

Hilliard on Injunctions, 13. Hubbell's Legal Directory for 1875, 694.

Illinois reports, Vol. 66, 660, Indiana Reports, Vol. 47, 482, Iowa Reports, Vol. 35, 145.

Vols. 36 and 37, 614. Lacey's Railway Digest, 225. Lawrence's Law of Claims, 448. Lawrence's Law of Claims, 448.
Lieber's Political Ethics, 339.
MacArthur's Reports, Vol. 1, 362.
McCrary on Elections, 835.
McVey's Ohio Digest, 355.
Miller's Iowa Pleading and Practice, 724.
Mississippi Reports, Vol. 49, 112.
Moak's English Reports, Vol. 7, 194.
Myer's Constitution of Missouri, 665,
National Bankrunts, Register, Reports 1 National Bankruptcy Register Reports, Vol. 13,

National Bankruptcy Register Reports, Vol. 23, No. 1, 773.

Nebraska Reports, Vol. 3, 96.
New Hampshire Reports, Vol. 53, 224.
New York Weekly Digest, 578.
Ohio State Reports, Vol. 24, 253.
Parsons on Notes and Bills, 2d Ed., 645.
Peck's Ohio Statutes, relating to Municipal Corporations, 578.
Psychological and Medico-Legal Journal, 339.

Reminiscences of Alfred Kelly, 449. Revised Statutes of the United States, 357, 565. Roscoe's Criminal Evidence, Sharswood's Edition, 49. Sawyer's Reports, Vol. 2, 177, 240. Smith's Collection Compendum, 664.

Spalding's Treatises, 498, 514.
Story on Contracts, Bigelow's Edition, 34.
Story's Equity Jurisprudence, Canada Edition of,

Swan's Ohio Treatise, 10th Ed., 577.

Tilton Beecher Case, McDivitt, Campbell & Co.'s

edition 258 United States Digest, Vol. 5, New Series, 723. Views as to the proper mode of reviewing law

books, 390, 533. Wallace's Reports, Vol. 21; some omissions in a

case in, 692.
Ware's Valley Monthly, 514.
Withrow & Stile's Iowa Digest, Vol. 2, 743. Wood on Nuisances, 464. Woods' Circuit Court Reports, Vol. 1, 773.

BREWER, MR. JUSTICE,

Opinion of, in St. Joseph, etc., R. R. Co. v. Callender, 31.

BRIBERY.

Of agents, how affects contract, 210,

BRIEFS, NOTICES OF.

Quo Warranto in Illinois, 48. Usurpation of Office, 48.
Rights of Women to Vote for Federal Officers,

Can a circuit judge enlarge a prisoner under a writ of habeas corpus, who is under sentence of death under void judgment of supreme court?

Homestead exemptions; "head of family," 65. Constitutional Law; acts of legislature to have but one subject, and that expressed in title, 65.
Right of lateral support to adjoining Land, 65.
Power of Legislature of Kansas to pass an act
legalizing the issue of bonds by a municipal
corporation for the purpose of building a foundry and machine shop, and to pass special acts conferring corporate powers, 65. Duty of Trustees; Fraudulent Judgment, 81. Injunction against judgment at law for purchase-

money at void probate sale, 94. Railroad combinations; contracts in restraint of

trade, 95.
Broker's commissions; when they accrue; negli-

gence by broker; recoupment, 95. Consignor and consignee; when consignee, who has made advances, must obey orders of consignor, 95. Liability of public officer to account for interest

on public moneys, 95. an a railway company acquire a fee simple title

in land condemned for right of way? 129.

Proceeding to enfore mechanic's lien; requisites

of notice; description of the thing against which the lien is sought to be enforced, 129. Liability of municipal corporations, and also of adjacent owners for injury caused by defective sidewalks, 129.

Criminal procedure; charge to jury; oral amend-mei. where charge is required to be in writ-

ing, 130. Rescission; false representations; specific performance, 162.
Constitutional law; ordinance requiring saloons

to close on Sundays, 162.

Entry of amount of check en a pass-book by receiving teller, a receipt for collection only,

Contract for sale, and decree of specific perform-ance void, if land is homestead and wife is not

made a party, 177.

Municipal corporation; loan of credit by two-thirds of qualified voters. 226.

Negligence of railroad employees; killing infant,

are.

Where same persons are officers of two corporations, notes drawn by them against one may not be tendered for debts of the other, 322.

Annulment of decree for alimony by subsequent

marriage, 322. ale under decree of court; homestead must be

either urban or rural and, not mixed, 322. Effect of war upon partnerships between citizens

of the beligrent countries, 323.

Railway taxation; legislative exemption, 466.

Constitutionality of Minnesota railroad law, 466.

Rehearing; ignorance of counsel, 466.

Power of one horse-railroad company to condemn

road of another, 466. Naturalization of aliens by courts of limited ju-

risdiction, 467.

Deceit in sale of land; measure of damages;

scienter, 514.
Fire insurance; defences; false statements; false warranties; quantity of proof, 514. Continued adverse possession, 575.

Chancery sale; opening biddings for advance,

575. Taxation; whether owner or lessee must pay

taxes, 575.

Negligence of fellow servants, 575.

Patent law; perforated well tube, 575.

Action for libel against jury, 575.

Negligence; personal injury and subsequent death, 575. ath, 575.

Fixtures, 575.

Estoppel; purchase of property subject to chattel

mortgage, 631.

Vacating appointment of receiver, 631.

Admiralty; petitiory action against the thing seized, 631.

Breach of promise to marry, 631. Collection of taxes enjoined, 631.

Collection of taxes enjoined, 031.

Tax unlawfully imposed, 631.

Forcing a railroad into hands of receiver, 677.

Ejectment; saline lands, 677.

Ejectment; judicial sale, 677.

Liability of corporation for acts of agent, 677.

Railway negligence; respondeat superior, 677.

Easement of way, 677.
Right of railroad company to lay track on street,

677.

Indemnity bond, 677.

Mortgage of homestead, 677.

Commissions of land agent, 677.

Sales by stock board, 677.

The Lutheran church independent in form, 677.

Liability of bar-keeper for selling liquor by which one became a habitual drunkard, 677.

Variance of railway forces; injury to prop-

Negligence of railway; fences; injury to property; damages, 708.

Double damages, 708.

Ejectment to recover of railroad company lands used in constructing the same, 709.

Power of one executor, the other not qualifying, to carry out the testator's will, 709.

Taxation by town for subscription to railroad elections.

election, 709.

Banks and banking; conversion of deposits, 709. United States patents and Spanish grants, 70. Property in logs from indian reservation, 709.

Franchises; rights of one railroad Co. to con-demn land of another, 709.

Breach of promise, 709.

Specific performance; town subscription to railroad, 744. Estate of executors held under a will, 744.

Dower, 744.

Action of deceit against a corporation. 744. Vote of money to a railroad by a township, 744. Indemnity; promissory note; statute of frauds,

744. Deed of trust; machinery; fixtures, 744. Presumption of grant, 744.

BOTTOMRY BONDS

Masters wages entitled to preference over, 195.

Effect of deed calling to center of highway, or stream, 547.

CAPITAL PUNISHMENT.

Comments upon, 100.

CARRIER.

As to Negligence by Carriers of Passengers.
[See NEGLIGENCE.]

n General.

Liability for wrecking barge on bridge pier during tempestuous weather, 49. Negligence in towing barge, liability, 240, 321, 242. Liability for loss happening in time of war, 112. Whether in case of loss of goods, consignor or consignase should sup 112. consignee should sue, 113.

Liability for loss of goods caused by fire in rail-road accident, 116.

Construction of shipping contract; exemption of carriers for loss by fire, 160.

When liable for damages caused in part by his own

fault, and to some extent by the perils of the

Liability of, in case of unreasonable delay in ship-

Liability of, in case of unreasonable dealy in sinp-ping goods, 259.

Liability of first carrier where goods are lost on connecting lines. Bryan v. Paducah & Mem-phis R. R. Co., 285; see also 321.

Liability of carriers by water for loss of goods; du-

Liability of carriers by water for loss of goods; duties and liabilities of carriers by river, 321.

Liability of railway company for damages to goods lying at railway station after termination of journey, 369.

When expressmen of goods not liable as common carrier. Scaife v. Farrant, 383.

Carriers receipt not negotiable, 402.

Sale of unclaimed packages without opening them,

434. British carrier's act; loss of passenger's luggage felony by carrier's servant; jewelry over floin value; non-declaration of value, 467.

Effect of fraudulent concealment and imposition

by shipper, 468.

Married woman, who has shipped goods, may maintain action without joining husband; car-

rier estopped to deny her title, 468.

Carriage of passengers by sea; right of passenger on board steamship to a birth; right of steerage passenger to take exercise; may not be compelled to remain in birth; injury to passenger from tumbling freight in rough weather; measure of damages in case of injury to unmarried female passenger. Koch v. Oregon Steamship

Co., 473. Liability of carrier for injuries to horses, while in

charge of agent of owner, 564. Liability in trover where car has been missent over

wrong road, 574. Railroad company liable for representation of ticket agent, 575. Who not liable as common carrier. Scaife v.

Farrant, 605. oss without negligence. Scaife v. Farrant, 605. Liability of railway company as carriers, as ware-houseman and depositary, carrier or warehouse-

man, 727.

Final and intermediate consignee; responsibility for "goods awaiting delivery" to another carrier. Mich. C. R. Co. v. Lantz. 737.

Carrier or warehousemen; goods arriving at destination.

tination on Sunday, 660.

Felony by carrier's servants; article from Irish Law Times, 644.

Damages for carrying passenger beyond destination, 660

Contract of, to make collection of promissory note beyond terminus; custom; damages, 678.

Limiting Liability by Contract.

Power of, so as to limit liability, 113, 481, 483, 605. Effect of conditions endorsed on railway tickets,

Liability for injury to stock driver traveling on

free pass which contains stipulation against liability, 483.
Effect of clause in receipt limiting time of suit,

774. Effect of clause limiting value of recovery to fifty

dollars, 774. When connecting carrier may have benefit of stípulations in receipt, 774

CASE LAW.

Relative importance of, 301.

CAUSES CELEBRE

An account of the case of Bolton v. Dickens, 469.

No lien for paving street in front of. Louisville v. Nevin, 101, 108. Judicial sale of, 181.

CENTRAL LAW JOURNAL.

Our second year, p. r. Our special contributors, 17.

CHARITIES.

Voluntary Subscriptions; decedent's estate not liable for, 178.

Bequest for charitable purpose, when upheld, 355. Donation of land for church edifice; right of trustees of church to sell and rebuild elsewhere. Kilpatrick v. Graves, 787.

CHARTER PARTY.

Lien and exemption clause; demurrage and damages for detention, 529.

CHRISTIANCY, HON. ISAAC P.

His election to the United States Senate; sketch of his life, 85.

CIVITITER MORTIUS

Is a man sentenced to the penitentiary for life dead in law?" 596.

CLAIMS AGAINST UNITED STATES.

By merchant who made advances on cotton after-

wards captured, 83.
For injury to vessel while impressed into military service, 529.

See WAR.

COLORED PERSONS

Rights of, travelling on public conveyances; an Iowa decision, 615. See MARRIAGE

COMITY OF NATIONS.

Italian subjects may sue in our courts under Captured and Abandoned Property Act—why?

COMMISSIONER OF PATENTS.

Mandamus against, 601.

CONFEDERATE MONEY.

Contracts payable in; measure of damages in case of breach. Wilmington, etc., R. R. Co. King, 770.

Such contracts valid between the particle of mington, etc., R. R. Co. v. King, 770.

North Carolina statute providing that jury may value of Confederate money at time of contract, unconstitutional. Ibid.

iability of guardian for investments in, Liability of guardian for investments in, 774.

Contracts dischargeable in, how should the value of the money be estimated? Able article by D. S. Troy, Esq., 837.

CONFESSIONS.

See EVIDENCE.

CONFLICT OF LAWS. See PRIVATE INTER-NATIONAL LAW.

CONSIGNOR AND CONSIGNEE.

Transfer by bill of lading; shipment with reservation of jus disponendi; whether carrier is agent of shipper or consignee; terms of bill of lading how far conclusive; contract by con-signee for special rate of freight; when con-signee can not hold goods against transferee of bill of lading. Emory's Sons v. Irving Nat. Bank, 716.

CONSPIRACY.

To defraud United States out of revenue on spirits, 679.

CIVIL RIGHTS LAW.

Opinion of Mr. Circuit Judge Emmons, declaring it unconstitutional, 215.
Opinion of Mr. District Judge Morrill, 324.

COLLISIONS OF VESSELS.

By a river steamer in stearing across the course of a following steamer, 192.

At sea; regulations of act of Congress designed to

prevent, 228.

prevent, 220.
Vessels meeting "end on," 371.
Colliding of two steamers in the Mississippi river on dark and stormy night, 482.
Effect of failure of sail vessel to show lighted

torch at night when steam vessel is approching, 483.

Greater safety at sea, and international tribunals

for questions of collision; paper read by David Dudley Field, at the Hague conference, 698. Second collision; fault of vessel first struck no

defence, 725.

Between steam and sail vessel; where sail vessel ported her helm, both in fault, 725.

CONSTITUTIONAL LAW.

[In addition to what is contained under this title, see the following: CONSTITUTIONAL CONVENTIONS; HABEAS CORPUS; LIQUOR LAWS; MUNICIPAL INDESTEDNESS; NATIONAL BANKS; TAXATION; TRIAL BY JURY.]

Bills of Credit.

What are, 774.

"Due Process of Law."

Defined and expounded, 99.

When denial of notice in civil action is unconstitutional. Brown v. Board of Levee Com'rs, 36, 40, 69, 79. Power of the state to confine insane persons; ju-

dicial investigation necessary, 309.

" Duty of Tonnage."

What is, Cannon v. New Orleans, 66,

Ordinance taxing vessels which moor in front of wharves, etc., 437.

Inter-state Commerce

Acts prohibiting importation of Texas cattle, 288. 781. 830.

Judicial Power

Power of courts to declare statutes void, which do not conflict with any direct constitutional provision. Citizens, etc., Association v. Topeka, 150, 156; contra, County Court v. Griswold, 56.

Power of the judiciary of a state to control the acts of executive officers of the state governments.

ment; mandamus does not lie against er officer of state government. Keuchler v.

Wright, 4, 17, 20.

Power of federal circuit court to declare state laws unconstitutional, notwithstanding decision of state supreme court, 405.

Legislative Acts; Form and Substance

May be valid in part and void in part. County Court v. Griswold, 56. See also 727. Construction of provision of a constitution that

no act shall contain more than one subject and

that expressed in its title, 35, 65, 149.

Application of provision that the amended parts of an act shall be re-enacted at length. Moll v. Building Association (with note by Henry A. Chaney, Esq.), 72. Validity of acts which do not take effect until the

happening of some future event, 527.

Legislative Power.

Can the legislature of a state empower a municipal corporation to annul its own charter? 33. Power of legislature over process of courts. Brown v. Levee Com'rs, 38 40.

Power of Missouri legislature to establish a board of park commissioners. County Court v. Gris-

Power to tax for private enterprises. Citizens, etc., Association v. Topeka, 150, 156, 167.
The doctrine of implied reservations of legisla-

tive power discussed, Ibid.

Legislature may not impose on courts extra-judi-cial duties, 306.

Power to make rules of evidence. State v. Woodford. 818.

Obligation of Contracts.

When homestead laws impair the obligation of contracts. 113.

Ohio act of 1870, amending § 557 of code, impairs,

But legislature has complete control over rem-

edies, 259. When state may relieve against payment of inter-

est on contracts, 709.
Congress may pass exemption laws impairing obligation of contracts, 725.
North Carolina statute providing that jury may

ascertain value of Confederate money at time of contract entered into, unconstitutional. Wilmington, etc., R. R. Co. v. King, 779.

[As to Railway Regulation, see RAILROADS.] Acts prohibiting importation of Texas cattle, 288,

What constitutes a police regulation. Sloan v. Mo. Pacific R. R. Co., 781.

Regulation of Foreign Commerce.

Power of federal court to enjoin state board of emigration, notwithstanding decision of state supreme court, 405.

Special Legislation.

Acts applicable only to cities of the second class, where there is only one city of the second class, void, 306.

An attempt of legislature to confer special privileges upon a corporation, after they shall organized as a corporation under existing laws, is void, 528.

The Recent Amendments.

Effect of the 14th amendment on the question of

woman suffrage, 246.
Effect of, on the admissibility of colored children in the public schools, 114, 527.

Uniform System of Bankruptcy."

Assignment in trust for all creditors under state insolvent laws, still valid, and will prevent at-

tachment, 709-10. How far bankrupt act suspends state insolvent laws, 711.

"Unreasonable Searches and Seizures."

Constitutionality of internal revenue act of June 22, 1874. United States v. Distillery, 749.

Vested Rights.

Legislature may not, in passing act to vacate street, vest title to center of street in present adjacent owner, instead of the original proprie-

tor, 89. Power of legislature to divert donation from municipal corporation, 388.

Of the governors of territories, 453.

Miscellaneous Decisions.

Bankrupt act applicable to others than merchants

and traders, constitutional, 79. Constitutionality of act giving others the same right to recover against a railroad company for negligence, as employees have. Kirby v. Penn.

R R. Co., 91.
Guarantee of order and republican government

in the states, 18, 248.

Constitutionality of revenue act of June 22, 1874, compelling production of books and papers, 547.

CONSTITUTIONAL CONVENTIONS.

In Missouri, 53.

A suggestion, as to restricting the elective franchise to those who can read and write, 54.

Suggestions as to the creation of municipal in-

debtedness, 55.
The Missouri constitutional convention; proceed-

ings, 326, 342, 369. A few words of criticism by W. P. W., 390.

The Texas constitutional convention; did the vote on the call require a majority of all the electors, or only a majority of those voting? Letter of Philip Lindsley, 560.

In Alabama, 681. North Carolina, 697.

CONSTITUTION OF MISSOURI, THE NEW. Signed by how many members, 533; and see, 682.

CONSTRUCTION OF WRITINGS.

See WRITTEN INSTRUMENTS.

CONSTRUCTIVE NOTICE.

In cases of fraud; article from Law Times, 510. CONTRACTS.

[See also INFANTS: INSANITY: RESCISSION: SALES; SPECIFIC PERFORMANCE; VENDOR AND PURCHASER, and various other appropri-

Validity; Morality; Public Policy.

Betting on elections, 34.

Agreement to pay money in consideration of lo-cation of road on certain route. Holladay v.

Patterson, 53, 63.

When contract against public policy will not be enforced Ibid.

Letting public contracts to lowest bidder; when agreements among bidders to do the work in partnership are not void as against public policy, 259.

Effect of assignment of such a contract, 259. When equity will set aside judgment on contract founded on gambling consideration, 324. Contracts in consideration of prostitution, 419,

724. Restraint of trade, 435, 726. Note given for supplies for Confederate govern-ernment, when enforceable against maker, 500.

Remarks on contracts against public policy, by the Edenburgh Journal of Jurisprudence, 524.
Contracts to pay for lobbying bill through Congress, 562.

Contract by one physician to personate another, 588.

588.
Sunday Contracts; distinction between such as are executed and such as are executory, 791.
Sunday Contracts; note given on Sunday for land previously sold; ratification. Tucker v. West, 607. This case criticised, 647.
Delivery ofproperty sold on Sunday, 661.
Sunday contracts void although completed on week days, 575.

Consideration.

Forbearance to sue; article selected from Law

Times, 317.
Validity of a note based upon an agreement to abstain from drinking intoxicating liquors, 433.

Moral obligations as considerations, 439 Miscellaneous Contracts Expounded.

Sale of coal in certain lands, 67.

Rules posted in factory, 179. Construction of a contract stipulating for liqui-

dated damages, 289.

Maritime liens do not arise on ship-building con-

tracts, 289; and see MARITIME LAW.
Contract extending time for redemption of land sold at sheriff's sale must be supported by good consideration, 324.

Liability of livery stable keeper for unsuitableness

of horse hired, 402. Building contracts; how much contractor may recover after acceptance, in case of defective

work; recoupment, 467.

Effect of the words "more or less" in a contract

Effect of the words "more or less" in a contract for government transportation, 529. Contract to purchase lumber as "scaled" by third person enforced, 791. Contract for specific article, and request for change in character, implies extension of time, 529. The law applicable to the negotiation of contracts by telegraph, 546.

CONSULAR COURTS.

Jurisdiction of, in non-christian countries; suits against consuls for judicial acts, 825.

Jurisdiction of consuls-general of the German em-

pire, 197, 227.

CONTEMPTS.

The Chicago contempt case, 249

An English contempt case; commitment of a per-son for threatening a witness; comments of the English press, 294. Article upon, by Pelham, 358.

Evidence must be as certain as on indictment, 695.

CONVEYANCES.

Construction of Missouri statute making it a mis-demeanor to make conveyance of land without reciting previous one. Armstrong v. Winfrey,

COPYRIGHT.

In a name; person selling use of his name, re-strained from using it himself, 435. Gratuitous service of author for proprietor; what constitutes infringement of notes; equity practice in copy right cases, 600.

At common law, lost by unrestricted sale of right

to make copy, 663.

Movement to secure author's rights in England,

CORPORAL PUNISHMENT.

Comments on measures looking to the restoration of, in England, 134.

CORPORATIONS.

In General.

Liability of stockholders in insolvent. Pollard v.

Bailey, 1, 3.
The same enforced in equity, Ibid.

Reasonableness of by law prohibiting transfer of stock, where stockholder is indebted to corporation. In the Bachman, 119.

Officers of corporation may not waive such a

by-law; their construction of it not binding on the courts, Ibid.

Capital stock a trust fund for creditors, Ibid.

When transfers are void as to creditors, Ibid. Arbitration between members of, under by-laws,

164. Liability of stockholders in private corp under the double-liability clause of the old con-stitution of Missouri, and under the present constitution, 178.

Action to recover assets of, must be brought in

name of corporation, 178.

Preferred stock, 178.

Organization of, in chancery court in Tennessee,

When corporation is a necessary party in action against trustees, 180, Liability of members of, for civil wrongs commit-

ted by the corporation; article from the Solicitor's Journal in full, 236.

Preferred stock; agreements to pay dividend in

any event contrary to public policy and void; construction of such a guarantee, 243. ock dividends capital, and not income, 403.

Contract by corporation in excess of power; when corporation liable, 483.

If members of an old corporation form new one, and convey property of old to new, this is a fraud on creditors of old, 528. in California under general laws; at-

tempt of legislature to confer special privileges on a corporation when formed, is void, 528.

Lien of, upon dividends to secure indebtedness of stockholders, 575.

When return and cancellation of mortgages given to secure stock subscriptions is a fraud upon

-holders, 615. Rights of creditors against stockholders of insolregists of creditors against stockholders of insolvent corporation, for unpaid subscriptions; defence—fraud in procuring stockholders to take stock; laches of stockholders in discovering such fraud. Farrer v. Walker, 670.

Contracts by corporations; doctrine of ultra vires,

745. Personal liability of stockholders in private cor-porations in Indiana. Wood v. Harrison, 782, 777.
Liability of stockholders in insolvent corporations

for subscriptions to stock obtained through fraud; fraudulent representations as to asser bility; what is meant by the term "nor-asses-sable." Upton v. Trebilcock, 784. Contracts limiting liability of stockholders, void as to creditors. Ibid.

Act of Legislature recognizing, how construed. Southern, etc., Tie Co. v. New Orleans, etc., R. R. Co., 88.

When not an inhabitant of a particular federal indicial district. Ibi t.

Foreign corporations licensed by a state, on condition of being sued in such state, not subject to be sued in federal court of such state, Ibid. Right of foreign corporations to purchase and hold lands in Illinois. Carroll v. East St. Louis, 557.

Capacity to be sued admitted by general appear-ance; can not impeach its own title, 599. State regulation; unfriendly legislation against; views of Mr. A. C. Blodgett of Philadelphia,

Indemnity for costs of prior litigation, 629. See also PARDON; BANKRUPTCY.

COUNTIES.

Suit by one county against another, for contribu-tion for building bridge on county line, 68.

COUNTY-SEATS.

See ELECTIONS.

COURT OF CLAIMS.

Judgments of, conclusive upon officers of the

ecisions of, how reviewed, where claimant has no right of appeal, 528.

COURT FOR CROWN CASES RESERVED. Article by Franklin Fiske Heard, Esq., giving a history of the English Court for Crown Cases Reserved, 295.

CREDITORS.

Priorities between, 596.

CREDITOR'S BILL

To set aside fraudulent conveyance, can only be maintained, in Nebraska, by judgment creditor,

Maintainable by assignee in bankruptcy without judgment at law, 599.

CRIMINAL CONVERSATION

Competency of testimony of plaintiff in actions for, 102.

CRIMINAL EVIDENCE.

Quantum of proof to establish self-defence, 260. hen judgment will not be reversed because of the improper admission of, 260. Evidence of character of deceased for violence,

when admissible. Harbach v. State, 414. Evidence of threats of deceased towards defen-

dant, when admissible, Harbach v. State, 414. Indictment for selling liquor to A., not sustained by proof of sale to A. and B., 665. Family reputation, 777.

CRIMINAL LAW.

Merger; civil and criminal proceedings against the same person, 288. Autrefois convict; separate conviction under separate statute. Wemys v. Hopkins, 509. Leasing of house for purposes of prostitution, 631.

CRIMINAL PROCEDURE.

[As to the sufficiency of indictments, see INDICT-MENTS.]

In General.

Right of prisoner to list of witnesses, 97; U.S. v. Southmayd, 286,

Number of peremptory challenges, 97.
Testimony of members of the grand jury, 97.
Discussing admissibility of evidence in hearing of jury, 97.

testimony, opinions founded on study alone, 97.

Argument of counsel; right of counsel to be pres-

ent when the verdict is rendered, 260, Right of accused person to list of witnes

to minutes of testimony before grand jury. S. v. Southmayd, 286. Continuance, when properly refused, 305. New trial; newly discovered evidence which is

nerely cumulative, 305.

What offences may be prosecuted in the federal courts by information, United States v. Maxwell, 314. Special verdicts in criminal cases unauthorized;

prisoner entitled to general verdict. wood v. The People, 315.

Discharge of jury before verdict, effect of, 353. Mode of empanelling a jury in a capital case in Texas, Harbach v. State, 414. Allowing jurors to take samples of liquor to jury

room to assertain whether it is intoxicating,

574. When court may delay preparing bill of exceptions until after cause submitted to jury, 600. When court may interrupt counsel to correct misstatement, 600.

Conpetency of juror who entertains settled opinions, 679.

Requisites of; description of the offence, Uni-ted States v. George, 77.

When declaration upon, may amended. Ibid.

Declaration upon; what averments unnecessary.

Removal of poor person into another parish; necessary to show culpable intent, 695. Discharge of jury without verdict works an acquit-tal, when, and when not, 525.

CRUDE LEGISLATION.

Remedies for, 183. Letter of Francis Minor, 223. Letter of Hon. S. W. Williams upon, 223.

CRUELTY TO ANIMALS.

The dog treadmill case, 325.

CURIOSITIES OF THE REPORTS AND STATUTES.

Curious extracts from various law reports, by Franklin Fiske Heard, Esq., 69, 262, 310. Some of these curiosities criticised, 111, 176.

A statutory curiosity, 128.

A statutory curiosity, 120.
Another statutory curiosity, 162.
Reply to a criticism, 209.
Another judicial curiosity, 339.
Curious advice by a Georgian judge to young

lawyers, 517. ome curiosities culled from the statute books of New Mexico, 646,

CURTESY.

When defeated by endowment of wife's mother,

467. When is a child "born alive?" 467.

CUSTODY OF CHILDREN.

Rights of father and mother to custody of child as against each other, 259,

CUSTOMS DUTIES.

Goods of similar description, 775.

DAMAGES.

In case of injuries through failure to keep bridge in repair, 68.

In case of relocation of highway, 146.
In trespass for removing personal property, 147.
For wrongfully suing out injunction against work-

ing in a certain mine, 147.

Construction of the Missouri "damage act."

Connor v. Railroad Co., 197, 201, with note, p. 204, commented on, 239.

Measure of, for non-delivery of personal prop-

erty, 323.

Measure of, in case of injury to unmarried female passenger, amounting to permanent dis-figurement. Koch v. Oregon Steamship Co.,

473.
Two kinds of laws as to, one for the admiralty courts, and one for the other courts, 517.

courts, and one for the other courts, 517.
When railway companies are liable in punitive damages. Doss v. Missouri, etc., Ry. Co., 539.
Indemnity for costs of prior litigation; article from Solicitor's Journal, 629.
Where grantee of growing timber enters to remove same after lapse of reasonable time, 711.
Measure of in trespess on eller for certifier down

Measure of, in trespass qu. cl. fr. for cutting down and removing trees, 711.

DAMS

See WATER-COURSES.

DEAD PERSON.

Libel of, 287.

DEATH.

Right of action for injury resulting in, see REM-

Presumption of, from seven years' absence. Mc-Ree v. Copelin, 813.

DEBTOR AND CREDITOR.

Advancement, when subjected at suit of judgment creditors, 82

Right of husband to prefer his wife over other creditors, 563.
Particular security subject to general demand,

726. Effect of creditor selling securities, 726. How creditor who holds stocks as collateral may

sell them, 726. Action for misrepresentation on sale of patent-

right, 574. See I RAUD. DEDICATION.

Of ground for public square, 147.
Of streets, by making plats. Indianapolis, etc.,
R. R. Co. v. Hartley, 672.

DEEDS OF CONVEYANCE.

Acknowledgement of, by wife, 112, Construction of, 388.

Words necessary to pass fee, 547.
When and how deed absolute shown to be a

mortgage, 679.

Proviso to erect mill; writ of entry by grantor for failing to keep, 695.

Whether the word appurtenances in habendum will pass easement, 695.
"Children," when a word of purchase, 695.
"Thence north on the easterly side of said road,"

"Thence north on the easterly side of said road," held to locate line at center of road, 712. Who alone may take advantage of defective acknowledgement. Mastin v. Halley, 795. Mistake in; failure to affix seal, relief in equity. Mastin v. Halley, 794, 795. Omission of grantee's Christian name; what description of grantee sufficient, 727.

DEFENCE OF PROPERTY. Loss of goods through fraudulent misrepresentation; right of forcible recaption. Anderson v. State, 159. Killing vermin which destroy property, contrary to

game laws, 225.

DILLON: Mr. CIRCUIT JUDGE.

Judgment of, in Sullivan v. Union Pacific Railroad Co., commented on, 13. Sketch of life of, 826.

DISTRICT ATTORNEY.

Duties of, in Oregon, 792.
When county may appoint assistant counsel; right of district attorney to control proceedings,

Pleading of county must be substantiated by, 792.

DIVORCE AND ALIMONY.

No defence that wife knew of adulterous acts and

No defence that wife knew of adulterous acts and connived at them, 147.

Mormon divorces; bill for divorce by polygamous wife; denial of legal marriage by defendant, but admission of a "celestial marriage;" award of alimony pendente lite without proof of marriage. riage, Young v. Young, 204, 364.
The same case criticised, 200, 229, 293, 325, 369.

Amount of alimony allowed. Young v. Young, Desertion; duty of wife to follow husband, 321.

Insanity after marriage no ground for, 404. A Kansas divorce case, 517. Husband's equity in wife's property in case of di-

vorce; alimony to husband, 563. Alimony and custody of children; an Iowa de-

cision, 615.

When action for alimony can be maintained as an independent action, 615.

DESCENT.

Under Indiana act of 1853, where husband parts with title and dies, widow takes nothing. Bowen v. Preston, 251.

In England, illegitimate child may take as next of kin to his mother, 436.

DOGS

Property in; power of municipal corporation to compel dog-owner to take out license, 563.

[See also VENDOR AND PURCHASER.] Rights of, in premises occupied by tenant under unexpired lease, 112.

Right of attaches to accretions on husband's land, Widow's dower in mines, and how it may be as-

signed, 227.
Attention called to the case of Davis' estate, 36 Iowa, 24, and the necessity of legislation sug-

gested, 320. Right of, in land sold before marriage, 677. Relinquishment of; consideration for settlement,

678.

Effect of wife charging inchoate right of dower for husband's benefit; same attaches to equity of redempion, 725.

No dower in partnership real estate, 725.

DRUNKENNESS.

How affects crime, 451.

DUELLING.

Ineligibility to an office by reason of, 247.

"DUE RROCESS OF LAW."

See CONSTITUTIONAL LAW.

EASEMENTS.

See also PROFIT A PRENDRE.

Right of railway company to dig well, although injury to adjacent spring result, 148.

ECCLESIASTICAL LAW.

Case of Speed v. McAuley, 5 Leg. Int. 398, commented on, 698.

Donation of land for church edifice; right of trustees to sell and rebuild elsewhere, Kilpatrick v. Graves. 787.

The celebrated Guibord case, 117. (For a full account of this case, see the Southern Law Review for October 1877.)

for October, 1875.) The New Hampshire church case. Hale v. Ever-

ett, 224. Injunction bill by church trustees to restrain pas-

tor from officiating, 323.

Unincorporated religious society; succession of property, where separation has taken place,

353. Jurisdiction of courts in cases involving the succession of church property; will restrain its diversion contrary to law of church, 599.

EGYPT.

The new courts of, 680.

EJECTMENT.

Limitations; marital rights of wife in Indiana.

Bowen v. Preston, 251.

Evidence in; appointment of assignee in bankruptcy under whom plaintiff claims, must be proved, 631

When outstanding title may be shown, 695. Of what the defence may consist, under Oregon code, 792.

ELECTIVE FRANCHISE.

Suggestion as to its restriction, 44. 55.

ELECTIONS.

Duties of officers of: conclusiveness of record of: mandamus against town clerk, 97.

Frauds; numbering ballots; when court will throw out entire return, 99. Power of a (federal) court of equity to enjoin the

holding of, 197.

In Kansas, for removal of county seats; conclusiveness of; when majority of votes cast is suffi-cient; "assessment rolls;" State ex rel. v. Woodford, 818.

Effect, in Maine, of mistake, on ballots, of christian name of candidate, 840.

EMANCIPATION.

Right of emancipated slaves to fund arising from their hire under will of their liberator, 598.

See also SLAVERY.

EMINENT DOMAIN.

Taking land for railroads; compensation must be paid before entry; appeal by land-owner from maintain ejectment. St. Joseph & Denver, etc., R. R. Co. v. Callender, 31.

R. R. Co. v. Callender, 31.

Power of legislation to appropriate rural property for a public park for the inhabitants of a city.

County Court v. Griswold, 56.

Power of courts to restrain legislature in exercise

of right of eminent domain. Ibid

Legislature may not arbitrarily fix value of prop-

erty taken. Ibid.

Taking land for public park; vesting title in "the people of the county," instead of in "the county," ...Ibid. Assessment of damages, 99.

Evidence as to value, 631. Evidence admissible to show that railroad has in-

creased value of land, 791.

Right of exercise of power of eminent domain; conclusiveness of judgment of court condemning land; unauthorized occupation by railway com-

pany, 322. General doctrine concerning the existence and

exercise of the power, 483. Right of one railway company to condemn track of another. Trustees v. Cin., etc., R. R. Co.,

809.
When bonds belonging to railroad company may be condemned, 661.

FOULTY

[See also LACHES.]
Will enforce proportionate liability of stockholder of insolvent corporation. Pollard v. Bailey, 3. Jurisdiction of a court of, to grant relief in case of a forged or fraudulent will; no jurisdiction to avoid will for fraud, mistake or forgery, Kiely

v. Glynn, 184.
Equitable jurisdiction of U. S. Courts not affected by alteration of such jurisdiction in state courts.

Kiely v. Glynn, 184. Equity has no jurisdiction where legal remedies are adequate, 192. Bill to cancel deed of homestead; burden of

proof, 192. Power of court of equity to enjoin holding of

municipal election, 197.
When equity will set aside judgment founded on gaming contract, 324.

Jurisdiction of a court of equity to settle rights with regard to land in another state; decree,

how far binding on courts of such state, 354. The doctrine of equitable relief against fraudulent

judgments and decrees, 371.

Case of mortgage of reversion by expectant heir treated in equity as an unconscionable bargain,

When will relieve against omission by mistake of seal from deed of conveyance, Mastin v. Halley, 795.

In Terry v. Imperial Fire Insurance Company of

London, p. 459; the opinion is erroneously credited to Judge Dillon. It was delivered by Hon. G. C. Foster, District Judge.

See CURTESY : LANDLORD AND TENANT ; TEN-ANTS IN COMMON.

ESTOPPEL.

State not estopped by mistake of its auditor in stating tax collector's account, 259.

When acceptance by son of deed from father will not estop son from claiming through mother,

Doctrine and elements of estoppel in pais: fraud and element of; doctrine of, does not apply to

state, 534.

Maker of note to third person in persuance of agreement with second person estopped to assert failure of consideration, 574.

Estoppel by registration, 666. When municipal corporation estopped to deny necessity of improving street. City of Henderson v. Sandifer, 767.

Estoppel by record; domestic judgment in person-

am, 778, 388. EVARTS, HON, WM. M

Sketch of, 127.

EVIDENCE.

[See also CRIMINAL EVIDENCE; MONEY; RAPE: WITNESSES]

Burden of Proof.

In suit in equity, to cancel deed to homestead, 192. Does not shift during trial, when, 806.

Custom or Usage.

Proof of, admitted to explain ambiguity; not to contradict written contract. Hearne v. New England Mut. Mar. Ins. Co., 60.

Of agent, after transaction resulting in personal injury, not admissible to bind principal, 83.

Of possessor of real estate, competent for purpose, 711.

Declarations as to pedigree, 711.

Declarations as to occupancy and ownership, when not admissible, 711.

Competent to prove who are standard authors; effect of statute making books of science evidence, 147.

pepositions,
Depositions before notaries; witnesses refusing to testify on the ground that there is no suit pending. Ex parte Munford, 37, 45.

Hearsay. Declarations of a physician as to medicine given patient, when admissible, 806.

Of what courts will take judicial notice. Article by Hon. P. Bliss, 393, 407.

Judicial notice of public officers and their signa-

tures, 447.

Judicial knowledge of county officers, 513, 531.

Parol to vary Writings.

[See also MONEY.] To convert deed into mortgage, admissible, 67. Or to show that absolute deed was made on

trust to reconvey upon demand, 306, When previous agreement merges in written contract, 403.

Testimony of notice admissible to explain failure to affix seal to acknowledgment of deed, 449. When verbal understanding between Catholic bishop and priest can not be set up in defence

to a note secured by mortgage, 482. Certain parol evidence to vary writing, and to set up verbal release without consideration in-admissible, 711.

Parol evidence not admissible to show agency of person who executes instrument in his own

name, 727. Subsequent parol contract may vary written one,

727. Presumptions.

Of grant, 67.
Of abandonment of realty, 67.
Session of court presumed to commence at hour named in statute, 353.

Certification of foreign records, 179. Commencement of term of court to be proved by its record; parol evidence not admissible, 353. Of proceedings in bankruptcy, evidence for what

purpose, 709.

H

Parol evidence of existence of bill of lading may be rebutted by parol, 574.

Weight of.

Positive and negative testimony. Quincy, etc., R. R. Co. v. Welhoener, 622.

Miscellaneous Cases.

Confessions, 14.

Contessions, 14.

Proof of foreign marriages at common law.

Hutchins v. Kimmell, 106.

Quantum of proof to establish defence of insanity in homicide, 115. Com'rs v. Ortwein, 121.

Proof of delivery of goods, 223.

Bill of exceptions not competent evidence on sub-

sequent trial, 260.

Propriety of enquiring into the habits of witnesses as to plasphemy, 526.

Allowing jurors to take samples of liquor to jury

to ascertain whether it is intoxicating,

ious rulings on admissibility of evidence in Page v. Brewster, 711.

Evidence of adjustment of partnership account;

what competent, 710.

EXECUTION.

Levy of, landholders, 67.

See EXEMPTIONS; HOMESTEADS.

EXECUTORS AND ADMINISTRATORS.

Liability of co-administrators for each other's

waste, 225.
Responsibility on bond for acts done in another

Administration in Texas without control of court; effect of judgment after surrender by administrator of property, 449.
Liability of administrator for funds stolen.
Stevens v. Gage, 589.

When administrator may compromise litigation

727.
Administration de bonis non cannot impeach settlement of his predecessor, 774.

EXEMPTIONS.

[See BANKRUPTCY; HOMESTEADS.]

Power of debtor to waive the benefit of exemption laws. 114.

Waiver of right by contract, 259.

Extra-territorial force of exemption laws, 374, 377.

Statutes exempting life policy from debt, do not restrict disposition by will. Williams v. Car-

Congress may pass exemption laws, impairing obligation of contracts, 725.

None, in Indiana, in replevin; or for costs, 725,

EX POST FACTO LAWS.

Defined. United States v. Distillery, 749.

EXTRADITION.

The "Poland Gag Law" case; removal of a person indebted for libel to the District of Columbia for trial. In re Buell, 309, 312.

FACTOR'S LIEN FOR ADVANCES.

Right of factor to sell and reimburse for expenses and advances, 321.

FALSE IMPRISONMENT

By mock judicial proceeding; measure of damages, 324.

FEDERAL COURTS.

On application for injunction federal court bound on application for injunction federal court bound by state adjudications. Oliver v. Omaha, 772. Organization of federal judiciary under judiciary act of 1789; an examination of the merits of the recent acts of Congress extending the jurisdic-tion of the courts, with some suggestions as to the necessity of further legislation to remedy the evils, 551.

FICTIONS OF LAW.

Article on, by Wm. M. Stanley, 582.

FIXTURES.

Removal of, by vendee, who has given mortgage for purchase-money; liability of purchasers of such fixtures; action to subject remaining prem-ises to sale; joinder of purchasers as defendants,

34. Right to remove trade fixtures, 147. Sale of fixtures and assignment of lease; when sale complete, 323.

Trade fixtures pass to mortgagee of leasehold in-

terest, 434.

When tenant's fixtures not lost by laches, 520. FLOGGING.

Punishment by, 100.

FORGERY

Of letter of introduction no crime; indictment for; description of instrument forged, 600.

See also BANKS AND BANKING. FORMER ACTION PENDING

Plea, in federal court, of former action pending in state court. Brooks v. Mills County, 719.

Value of the franc coin, 116, 322,

Lease procured by artifice void, 67.
Deceit; fraudulent representations; evidence of scienter, Bannister v. Alderman, 75.
Studies in the law of the statute of frauds, 114.

What constitutes fraud and circumvention on obtaining execution of note, 164.

Insolvency and knowledge of purchaser of chat-

tels not fraud per se, 434. Effect of fraudulent representations to agent of op-

posite party in making contract, 451.

Effect of surreptitious dealing between one principal and the agent of the other principal, 451-2.

onstructive notice in cases of fraud; article from the Law Times, 510.
Where devisee induces testatrix or directs her not

to sign codicil, by agreeing to make conveyance, equity will compel conveyance, 599.

FRAUDULENT SALES AND CONVEY-ANCES.

Chattel mortgage, when constructively fraudulent; possession of the goods; sale of same at retail,

On bill to set aside and cancel deed, court may

decree reconveyance, 260.
Sale of personalty; possession must be changed within reasonable time, 321.
When appropriation of assets by one partner in

payment of his private debts will be deemed fraudulent, 353.

When conveyance of property of an existing corporation to a new corporation is a fraud upon the creditors of the old corporation, 528.

When, and when not voluntary conveyance from husband to wife may be impeached as fraudu-

lent, 599.

Assignee in bankruptcy may impeach fraudulent conveyance without judgment at law, 599.

FULLERTON, HON, WILLIAM.

Sketch of, 272

GARNISHMENT.

Attachment by; duty of garnishee to notify court, when the debt is exempt from execution. Plerce v. Chicago, etc., Ry. Co., 377

Garnishment against corporation existing both under laws of Wisconsin and Illinois; garnishee suffers judgment without notifying court that debt was exempt; debtor may recover against garnishee. Ibid.

Duty of garnishee to notify debtor of proceeding.

Right of a creditor to recover money paid by his debtor as garnishee, 447.

GERMAN CRIMINAL LAW.

A singular instance of the working of, 68.

GERMAN EMPIRE.

Jurisdiction of consular courts of, in United States, 227. GIFT.

[See also DEBTOR and CREDITOR.]

In lieu of bequest; when executors may recover bequest on the ground that there has been no acceptance of the bequest, 194.

Causa Mortis, requisites and proof of, 388.

Voluntary settlement, when not revokable, 402. Gift; resulting trust; article from Law Times,

479 Voluntary conveyance with covenant to erect messuage, 483-4.

GOOD WILL

Sale of good will in business; seller may not send out runners for himself; damages, 98. Valuable article upon in American Law Register, noticed, 115.

When injunction will not be granted to restrain trade for violation of contract for sale of. Harinson's appeal, 623.

Sale of, and contract restraining trade, 662.

GOD IN THE CONSTITUTION.

Concerning the movement of the so-called reform association, having for its object an amendment to the federal constitution, recognizing God and the Christian religion, 86.

GOVERNMENT CONTRACTS.

Deficiency in amount of goods agreed to be delivered; award of board of survey; effect of refusing to object in time, 322.

GRAVES, MR. CHIEF JUSTICE.

Re-election of, as judge of Supreme Court of Michigan without opposition, 261.

GUARANTEE OF ORDER AND REPUBLI-CAN GOVERNMENT IN THE STATES. Review of an article on Mr. Justice Cooley, 19.

GUARANTY.

Effect of death of guaranter without giving stip-ulated notice of withdrawal, 195. Guaranty of draft drawn on shipment of cattle, 322.

When guaranter who gives letter of credit is en-titled to notice of acceptance, 563.

Liability of, for investments in Confederate money, 774.

HABEAS CORPUS.

Release by federal court, of person confined in the State prison under sentence of a state court, Ex parte Le Bur, 122.

HACKETT, MR. RECORDER.

Contest over his election, 713.

HANDWRITING.

Jury may compare disputed with genuine handwriting, 711.

Expectant heir; mortgage by, when treated in equity as an unconscionable bargain, 420.

HILL, JOHN L.

Sketch of, 445.

Damages in case of relocation of, 146. In New Hampshire, towns may maintain action for obstructing, 484.

See NEGLIGENCE.

HOLT, HON. JOSEPH. Retirement of, from office of judge-advocate general; sketch of his life and services, 824.

HOMESTEADS.

[See also EXEMPTIONS.]

Construction of Missouri homestead law; takes

the fee. Skenton v Wood 61.

In he public domain, acquired under act of Congress of 1862, can not be sold for debts contracted prior to issuance of patent. Miller v.

Little (47 Cal. 348), 81. Decisions of Sec'y of

Interior, upon contests concerning, 130. Time when claimant was in military service counted, 83, Decision of commissioner in contest, when final,

83. Contest; procedure, 83. Widow's claim occupied by married son, insufficient, 83

Wife's right to dower and homestead not barred by fraudulent conveyance of husband, 86. Waiver of homestead privilege, 113.

When homestead laws impair obligation of contracts, 113.

What occupancy or possession will support homestead right, 147.
Burden of proof in suit to cancel deed to homestead, on ground that wife did not join therein,

In the public domain; commutation by payment of money under the 8th section of act of Congress; entry of homestead in trust for another forbiden; act to be liberally construed, 299.

Homestead law of Minnesota construed, 308. Loss of homestead right by voluntary dispersion of family, 355.

Homesteads in Florida; the premises in which the right may subsist, Greeley v. Scott, 361, with

Homestead property, satisfaction of judgment out of. Ray v. Adams, 45 Ala. 370.

Jack

Jack
In lands cornering on each other, 447, 448.
Mixed, rural and urban, 535.
Equitable estate will support homestead right in Kansas. Tarrent v. Swain, 754.
When estate of joint tenancy will support homestead right. Ibid., with note by M. A. L.
Some points under the Illinois homestead law.
Black v. Curran, 14 Wall. 433, criticised, 838.
Abandoned, becomes subject to execution, although debtor has in meantime been discharged in bankruptey. 840. in bankruptcy, 840.

HOMICIDE

See also CRIMINAL LAW.]

Provocation by threats, words, gestures, etc., will

not extenuate murder, 305.

When evidence as to character of deceased for violence is admissible. Horbach v. State, 414. How affected by drunkenness, 449. Manslaughter in fight with fists; stakeholder not

accessory before the fact. The Queen v. Taylor, 458. Case of Jesse Pomeroy, 501.

HUSBAND AND WIFE,

[See also CUSTODY OF CHILDREN; CURTESY.]

Charging married woman's separate estate; endorsement by wife of husband's note, 163.

Marital rights of wife in Indiana. Brown v.

Preston, 251.
Whether widow is barred her allowance by ante-

nuptial agreement, 259.
Reduction to possession of wife's choses in action; conversion, 467.

Married woman shipping goods may maintain action against carrier in Illinois, 468.

Promissory note made by wife void in Indiana;

mortgage securing same executed by husband and wife can not be foreclosed, 482. Contract for married woman to pay for services of

attorney in procuring divorce not binding, and not enforceable after discoverture, 484.

Liability of husband in Michigan for purchases

made by wife, 530.

Husband's equity in wife's property; alimony to husband in case of divorce, 563.

Right of husband to wife's personality; vested

rights of husband, 563. Right of husband to prefer his wife over other

creditors, 563.
Liability of husband for attorney's fees earned in

defending wife's divorce suit, 681. Loan by wife to husband, 695.

Wife's equity; implied promise by husband to pay wife, etc., 774.

IGNORANCE OF LAW.

Does not vitiate a contract, when. Upton v. Tre bilcock, 784.

IMPROVEMENTS.

[See MELIORATIONS.]

INDIAN TITLES.

Conclusiveness of decision of chiefs and headmen designating patentees; effect of selection by designated half-breed and approval by secretary of interior; effect of mistake in making selection. Lownesberry v. Rakestraw, 165.

INDICTMENTS (SUFFICIENCY OF).

For abortion, 97. Mistake in, when will not vitiate, 180.

Act of, void and voidable; article by M. D.

Ewell, Esq., 230, 288, 350. Disaffirmance of their voidable contracts by infants, 343, 483. Affirmance of infant's deed; article by W. P. W.,

Affirmance of interest of the state of the s

INFORMATION

Offences not capital or otherwise infamous may

be prosecuted by. United States v. Maxwell' 314.

INJUNCTION.

[See SUNDAY ; DAMAGES.]

To restrain exercise of trade when good will has been sold. Harkinson's Appeal, 623.

INIURIES.

[See TORTS.]

INNKEEPER.

Lien of, on goods of guest. 302, 417.

None on goods of boarder, 615.

Responsibility of for theft of money of guest; who is a boarder, and who is a traveler, 808.

Quantum of proof to establish defence of in homicide, 115; Com. v. Ortwein, 121, 678. Effect of Tennessee statute requiring commit-

ment to insane asylum, 180.

Confinement of insane murderers; power of the state to confine convicted criminals; "due process of law." Underwood v. The People, 309, 315.

Note given to trustees by person of unsound mind; effect of trustees incurring liabilities on

the strength of the note, 482. Liability of bank which discounts note of lunatic; when executed contracts of lunatics will not be disturbed. Lancaster, etc., Bank v.

Moore, 522.

Hearsay evidence of insanity not admissible.

Defence of in criminal trials, 634, 658. Evidence to establish in murder cases, 678.

INSURANCE.

Authority of Agents.

To erase stipulation in fire policy, 353. Responsibility of policy-holders for acts of agents; article selecte I from Irish Law Times, 318.

When acceptance of policy is ratification of act of agent in executing premium note, 402. Effect of agreement in policy that agent is agent of insured, and not of company, 807.

Oral agreement of agent to waive objection on account of other insurance, 708.

Agent may, after loss, fill up and deliver policy in

pursuance of previous parol agreement. Frank-lin, etc., Co. v. Colt, 207, (with note). But agreement of agent to insure without speci-

fication of premium rate or duration of policy not binding; usage of company, 710. Responsibility of insurance companies for frauds of their agents; Lee v. Guardian Life Ins. Co., 495; criticised, 545; defended, 566; attacked, And see 131.

General agent may waive payment of premium in money and take note, 598.

Right of insured to make repairs, 131.

Loss by "military or usurped power, Insurable interest in trustee, 131.

Breach of condition that assured should keep the

chimneys, fire places, fire-boards, stoves and pipes all well secured, 146.

Company may make valid parol contract, although prohibited by charter. Franklin, etc., Co v. Colt, 207, (with note by J. O. P., p. 208).

Agent may, after loss, fill up and deliver policy in pursuance of previous parol agreement. Ibid.

Action may be maintained thereon without manual possession. Ibid.

Contract complete on delivery of policy, without condition against premises becoming vacant; temporary vacancy. Kelly v. Home Ins. Co.,

Fire policy by landlord; tenant liable notwith-

standing payment of loss, 529.
Liability of tenant for destruction by fire, 529.

Change of title which avoids policy, 710. When parol agreement to pay specified sum in liquidation of claim for loss will amount to waiver of breach of warranty, 710.

Holder of warehouse receipt has insurable inter-

est in goods; sufficient to prove that goods were in warehouse when it burned, 725. Policy issued by foreign company having no license to transact business in the state is void, and no recovery can be had thereon, 599. Insurance of mortgage interests; effect of subsequent sale to mortgagee and extinction of

mortgage, 710.

Insurance of person who holds incomplete title by virtue of sheriff's sale, subject to redemp-tion; action on a policy providing that anything less than an absolute interest must be specified, 807.

When creditor has an insurable interest in prop

erty of debtor, 807.
"Two buildings"—these words a material representation, when, and when not, 807

Statement in fire policy as to title, which was held breach of warranty, 807.
Misstatement of ownership; proof of loss, 807.

Nature of the life insurance contract; duty of company to keep it in force; remedy of insured, where company wrongfully refuses to keep it in force, 792. Needful legislation, with reference to, 601, 633,

Letter stating that insurance was effected for benefit of certain parties does not create a trust en-

forceable in equity, 775.

When beneficiary may not sue in his own name,

131. Statement in preliminary proofs, how far conclu-

sive, 130. No forfeiture of policy for non payment of interrest on loan note; policy deemed hypothecated for such note and interest; when equity will relieve against such forfeiture. St. Louis Mut. Life Ins. Co., v. Grisby, 123.

Note by Judge Pierce criticising the above case,

Right of insured to discontinue payment of premiums to paid-up policy, without first paying the note held by company for part premiums. Dutcher v. Brooklyn Life Ins. Co., 153, (w.h.

Dutcher v. Brookly a Lie Ins. Co., 153, (w. in note by J. O. P.)

Non-payment of premiums during war do not invalidate policy, when, 500.

Payment of premium; effect of endorsing onethird of premium as a loan on policy. 527.

Funds remitted, but lost in transit, premium held

paid, 225. Payment of premiums; delivery of money to an

express carrier, 243. Effect of late war on contracts of, 243

Reinstatement of forfeited policy, 130. Scipulation that policy shall not be valid, in case

of non-payment of any part of premium, 145.
No forfeiture for failure to pay interest on premium note. Northwestern, etc., Co., 567, with note by J. A. F.; criticised, 618, 659, 666.

False answers, when conclusively material; not necessary to allege that such answers are material. Jeffries v. Economical Life Ins. Co., 344. False representations, when avoid the policy. Lee

v. Guardian Life Ins. Co., 495.

Applicant bound, if he knows, or has opportunity to know. Ibid.

When solicitor can not bind company by acts done in excess of limitations printed on his blanks. Ibid.

When acts of such agents will not bind principal. Ibid. Effect on validity of policy of frauds committed by

agent, Ibid. Duty of company to resist fraudulent claim, Ibid. Representations, when conclusively material; im-material whether assured knew that they were true or false, 563. Effect of false answers in the application, written

by fraud of companies agent, 131. Answers, when representations and not warran-ties; interpretation of special answers, 710.

Warranty as to use of intoxicating liquors; death by drugs prescribed by physician to cure drunkenness; liability where death is caused by negligence of nurse or physician, where patient has delirium tremens; physician's statements of what medicines he administered, when evidence, 806.

When contract is procured by fraud of agent, beneficiaries not necessary parties in suit to re-cover money back; right of recovery in such

case, 696. uicide; "die by his own hand or act, Suicide; "die by his own hand or act," 437.
Suicide; unintentional or accidental death; self
destruction in fit of insanity. Knickerbocker
Life Life Co. v. Beter for Life Ins. Co. v. Peters, 651.

Reformation of policy on ground of mistake. Heame v. N. E. Mut. Mar. Ins. Co., 60.

Deviation; return of premiums; rule in equity. Thid

Action against carrier, where insurer has paid loss; assignment, subrogation and estoppel,

Insurable interest of consignee, 194.

Detention of goods in beseiged town; abandon-ment; "restraint of princes," 195. Bill to charge insurance company for loss of

goods where agent fraudulently stated that the

goods were insured. 308.

Immaterial warranties in; article by J. O. P.,

453.

Reinsurance; not necessary to mention in policy that it is a reinsurance. McKenzie v. Whitworth, 493; with note, 495.

Power of husband to dispose of life policy by will. Williams v. Corson, 520.

Statute exempting it against debts does not alter power. Ibid.

Insurance against war risks; vessel driven ashore

Insurance against war risks; veset universal assorby by gale and so captured, 529
Owner of vessel chartered by government assumes marine risks; wreck of vessel in fog under extra hazardous circumstances; government not liable, 529. Stipulation against particular average; breaking

up of voyage; foreign adjustment, 530.
"Barratry of master and mariners." what is; is a

mixed question of law and fact, 807.

Mutual.

When premium note is collected at discretion of directors; assessments to pay losses accruing before assured became a member, 436.

Forfeiture of policy in mutual company for fail-ure to pay assessment, 791. When recovery can be had on agreement to in-

sure, policy not having issued, 791.

INTEREST.

In case of goods ordered and shipped, when account is liquidated, so that interest may be charged, 223-4.

Virginia act relieving against payment of during

the war, unconstitutional, 709

INTERNAL REVENUE

[See TAXATION.]

INTERNATIONAL LAW.

How far one nation may control internal laws of another, 571.

another, 571.
Applicability of, to oriental nations, 745.
Is an ambassador or a foreign government who
deposits with a private banker, entitled to preference, in case of insolvency? 517.

INTERNATIONAL TRIBUNALS.

Paper of Dr. Miles on, read before Hague meet-ing of Association for Reform and Codification of Law of Nations, 634.

INTERPRETATION.

Corporation not a "person," when, 306.

[See also WRITTEN INSTRUMENTS; WORDS.] TAPAN.

Political reform in, 565.

JOINT LIABILITIES.

The state and an individual as joint tort feasors. Metz v. Soule, 595; commented on, 581.

JOYCE, JOHN A.

Remarkable speech of, before receiving sentence in U. S. District Court at Jefferson City, 746.

[As to mandamus against, see MANDAMUS.]

Liability of, for judicial acts, 37, 599.

Judicial eloquence, 53, Removal of in Colorado, 341, 825.

Salaries of judges, 422.

County judges liable for failing properly to take guardian's bond, where clerk improperly filled the blanks, 599.

Disqualification to sit in cause, where judge has

appeared in a cause involving same questions,

Reflections in judicial opinions upon judges of in-

ferior courts, 658
When not disqualified by reason of having been attorney for receiver, 678.

Incompetency by reason of interest; judge hold-ing railway shares, 840.

JUDGMENTS AND DECREES.

Conclusiveness of; res judicata, 82, 212.
Of special tribunals, 168.
Wign final, so as to be appealed from. 96.

Impeaching void decree; res judicaia, 179. Validity of decree founded upon publication, defendant being within insurrectionary lines, 179.
Failure of court to enter upon journal waiver of trial by jury can not be objected to collaterally,

223. Conclusive effect of judgment of federal courts upon state courts, 226

Res judicata; failure to make defence of payment.

Greenbaum v, Elliott, 439. Lien of, how effected by stay laws, 449.

Judgment of court of claims conclusive upon officers of the government, 450.

Res judicata; effect of decree against infants,

547 Conclusiveness of judgment against foreign cor-

poration, 563

When not impeachable collaterally for fraud, 695. Foreign.

In a suit upon the record of a judgment, no defence that trial was by court without waiver of jury; nor that jurisdiction was not acquired in attachment suit if defendant appeared; nor in attachment suit if defendant appeared; nor will fraud nor nil debet be a good defence, 450.

clusiveness of, 179.

IUDICIAL DECISIONS.

Sanctity of; views of Harper's Weekly, 525.

JUDICIAL KNOWLEDGE.

[See EVIDENCE.]

IUDICIAL LEGISLATION.

Comments upon the subject generally, 534.

JUDICIAL POWER.

[See CONSTITUTIONAL LAW.]

JUDICIAL SALE.

When notice of claim is imparted to judgment-creditor by possession, where there was a mis-take in the original deed of conveyance, 227. Purchase by administrator at his own sale: when

transaction is upon its face fraudulent and void,

259. Sheriff's sale, where title of purchaser contains a

pact de non alienando, 371.

Sale under decree; opening biddings; reserved price fixed by trustee, who is also agent of purchaser; fraud or improper conduct in manage-

ment of sale, 420.
When land may be sold en masse, 436.
Director of railway company purchasing road at judicial sale chargeable as trustee for company,

598. Case presenting important questions regarding the right of purchasers at execution sales; par-

IURISDICTION.

tition; redemption, 727.

[In Bankruptcy, see Bankruptcy, Of state courts where proceedings in bankruptcy have been commenced, see Bankruptcy; of Supreme Court of United States, see Supreme Court of The United States; of Federal Courts in certain cases, see REMOVAL OF CAUSES; of courts of equity, see EQUITY]

Of Probate Court of Utah. 15, 370.

Of courts of Iowa, and offences committed on boats in Mississippi river, 146. Of federal courts over assets of deceased person,

Equitable jurisdiction of U. S. courts not affected

by alterations in such jurisdiction in state courts.
Kiely v. Glynn, 184.
Jurisdiction of consuls-general of German Em-

pire, in criminal cases, 197.

Power of federal court to enjoin holding of elec-

tion, 197. "An act to determine the jurisdiction of the Circuit Court of the United States, and to regulate the removal of causes from state courts, and for other purposes other purposes" 209; commented on, 274; expounded, Osgood v. Chi., D. & V. R. R. Co., 275.

Co., 275.

Decisions of federal courts on commercial questions not affected by decisions of state courts,

shment in state courts of perjury committed in federal courts. Ex parte Bridges, 327. S. C., on appeal, 368.

Of the control exercised by superior courts over

the decisions of domestic tribunals; judicial

control of horse racing, 385.

Power of federal circuit courts to enjoin state boards of immigration, notwithstanding decision of state supreme court, 405.

Of civil courts in church cases, 599 Citizen of territory can not sue citizen of state in federal court, 647.

KANSAS PACIFIC RAILROAD CO.

Right of government to recover 5 per cent. of net earnings of; same recoverable in action at law. United States v. Kansas Pacific R. R. Co., 801.

KENEALY, DR.

Feeling with reference to his disbarment, 116. His election to parliament, 196.

Relief in equity against forged or fraudulent will, where delay is produced by ignorance of testa-tor's death; when ignorance of fraud will not excuse delay. Kiely v. Glynn, 184. Not imputable to the state, 259.

LACKLAND HON, JAMES R. Sketch of, 715.

Breaking railway car with intent to steal; evidence; larceny on railway car by brakeman, 260.

LAND LAW.

French grants; title of early inhabitants of the Northwest Territory. Langdeau v. Hanes. 229, 231, 246, 288, 304, 341, 350, 386, 387, 446.

Confirmation by Congress good against subsequent grant, 321.

Office and effect of a confirmation, and of a patent. Langdeau v. Hanes, 231.

Contest as to right to acquire public lands; who

has best right, 521. When courts will review decisions of land officers,

527. Power of Commissioner of Land Office to recall and cancel patent after transmission to local

office. LeRoy v. Jamison, 685.

Spanish grants; title by adverse possession; the rule in Gibson v. Chouteau. McRee v. Copelin, 813.

Comments on a bill introduced into the Missouri Comments on a bill introduced into the Missouri legislature to change the rules of evidence with reference to, 134, 166. The rule in Gibson v. Chouteau; decision by Judge Jones of Saint Louis Circuit Ccurt in

Hammond v. Coleman, 359.

LAND GRANTS.

[See EQUITY.]

LANDLORD AND TENANT.

[See also FIXTURES.]

Landlord's lien, 42, 50. Tenant may not dispute landlord's title, but may show that it has terminated. St. John v. Quitzon, 80, and see 96, 146.

What right passes under lease; right of posting bills on wall, 225. Rent payable in produce; when distress will lie,

Tenant holding over and paying rent under protest, because repairs are not made, 402.

Rights of lessee of stalls and boxes in a theatre, where old one is burnt down and new one built,

451. Liability of lessor of railroad company for torts happening through management while leased,

Lessee must eject trespasser, and must pay rent unless evicted, 726.

Lien to secure advances takes precedence of lien for rent, 774.

LAW AND EQUITY.

Comments on the separation of the two systems, 485.

LAW JOURNALS.

Case reporting in, 357.

LAW REPORTS. [See REPORTS OF JUDICIAL DECISIONS.] LEGACIES.

Sale of contingent interest in, 661.

Remedy to recover, 177. [See also WILLS; GIFT.]

LEGAL ETHICS.

. Some points in ; lawyers who advertise for divorce

cases, 374, 401.

A case of legal malpractice, 389.

Refusal of the courts of New Mexico to permit attorneys from other territories to practice be-

fore them, 793.

A question of professional propriety; strictures on the President by Mr. Henderson in the trial of Avery, 800.

LEGAL NOTICES.

Publication of, 2, 37.

LEGISLATIVE BILLS.

Object of numbering them; title not an essential part; laws signed by speaker presumed properly passed; presumption may be rebutted. Laieson v. Peoria, etc., R. R. Co., 735.

LEGISLATIVE BODIES.

Power to compel attendance of witnesses; requisites of speaker's warrant, 725.

LETTER OF CREDIT.

What is, 449.

Embracing guaranty of the bearer; when guarantor is entitled to notice of acceptance, 563.

Justification; information and belief, 225.

Of a dead person, 287.
Privileges of witnesses before military tribunals. Dawkins v. Lord Rokeby, 485, 491.

Of witnesses generally, 503, 518.
Words contained in report of church committee

not actionable, 598.

Pleading and evidence in action for; words imputing adulterous intercourse, 652.

LIBERMANIA.

Not punishable as a crime, 823.

LIENS.

[See also MECHANIC'S LIEN; INNKEEPERS; MARITIME LIEN.]

On bankrupt's estate, when not lost by taking

fraudulent bill of sale, 15. Contractor's lien upon railroad in Pennsylvania,

227. Lienholder may not maintain trespass de bonis asportatis against tax-collector, 324. Railroad lien law of Missouri. Walker v. M. V.

etc., Ry. Co., 481. Lien to secure advances takes precedence of lien

for rent, 774. LIFE TENANT.

Duty of, to repair and pay taxes, 228.

LIMITATIONS.

[See also LACHES; ADVERSE POSSESSION; BANKRUPTCY.]
Running of statute not arrested as to claim inter-

posed by way of set-off until pleaded, 67; and see 259.

Effect of verbal promise to pay barred debt, 115. When statute begins to run against detached coupons, 244

Does not run against widow where her bond was not seized of the land at the time of his death. Brown v. Preston, 251. Trust fastened upon land, not affected by, 290.

Limitation of actions by or against assignee in bankruptcy, in case of fraud, does not begin to run until discovery of the fraud. Bailey v. Wier,

290.
In Illinois; color of title; payment of taxes; good faith; person under disability, 323.
Effect of part payment by wife, 403.
A demand against decedent's estate, in Missouri,

439.
Of action for partnership settlement in Tennessee, Bolton v. Dickens, 477.
Exception in favor of merchant's accounts and trusts. Ibid.

Statute, how pleaded. Ibid.

Not suspended by disability to sue government

created by disloyalty, 529. When statute begins to run as against claim

against government, 529.
When action for money had and received, in Maine, is upon a note so as to extend period of limitation, 574.

Does part payment by principal arrest statute of limitations as to surety ? 647.

Construction of agreement in note disclaiming "all limitation of whatever kind," 791.

LIOUOR LAWS.

Constitutionality of New Hampshire act impos-ing liability on liquor seller where death results from intoxication. Bedore v. Newton, 362.

LITERARY CRITICISM.

Responsibility for; concerning the action against the publishers of this journal for libel, 391.

LOCAL OPTION LAWS.

Constitutionality of; constitutionality of statute to take effect upon happening of future events,

LONDON

Municipal charter of, 277.

LONGYEAR, HON. JOHN W.

Death of, 197.

LOUISIANA CASE.

Legal aspects of the, 248.

MANDAMUS

[See also MUNICIPAL INDEBTEDNESS.]

Does not lie against executive officer of state government. Keuchler v. Wright, 4; the rule in Indiana, 94.

Lies to a court of justice, when, 482.

Not awarded against commissioner of patents, 601. Nor to compel judge to sit who deems himself disqualified, 678.

Issued to compel city council to act on nomina-tions for board of public works, 727.

MARITIME CONTRACTS.

What contracts are maritime; furnishing vessel with new mode of propulsion. The Eliza Ladd,

See also ADMIRALTY LAW.

Do not arise on ship building contract, 280. When deemed waived; right of bona side pur-

MALICIOUS PROSECUTION.

Action of, not assignable, 649.

MARRIAGE.

chaser, 66.

Proof of foreign marriages at common law. Hutchins v Kimmell, 100.
When implied from cohabitation between a white

man and a colored woman, 113.

Invalid by law of country where celebrated, in-valid everywhere; marriage of English protestant man with Armenian christian woman who was pregnant at the time, void, 117.
Valid at common law, whether valid in Iilinois,

178

Marital relations between negroes and whites in Texas; construction of marriage ordinance in constitution of 1869, 257.

Intermarriage within the prohibited degree, 340.

Conditions in restraint of, 369. Scotch marriages; marriages presumed from habit and repute, 525.

MARRIAGE SETTLEMENTS.

Settlement by person in contemplation of mar-riage, without power of revocation; right to a reconveyance after death of husband, 434.

MASTER AND SERVANT.

[See NEGLIGENCE.]

MAXIMS.

Falsus in uno, falsus in omnibus, 47, 164. Sic utere tuo ut alienum non lædas. Keefe v. Railroad Co., 170.

MCKEAN, HON. JAMES B.

Removal of, by the President from the office of Chief Justice of Utah; banquet to Judge Mc-Kean, 294, 341.

McMILLAN, Hon. S. J. R.

His election to the United States Senate, 133, 164. MECHANIC'S LIEN.

No lien after seizure under execution: effect of

defective lien. 14.

In Pennsylvania; priorities, 67.

On house built on line of two lots, owned by different persons, 68.

rerent persons, 68.

None on public buildings, 97.

None in favor of sub-contractors in Nebraska, 97.

On a railroad. Is a railroad a structure? III.

Railroad lien law of Missouri expounded, 48I.

Lien of sub-contractor in California not sus-

pended until completion of building, 528. In Illinois, for alterations and improvements, 660, May be enforced in state court against house of

bankrupt, when, 695.
Material-man's lien on railway fixtures furnished to construct railway previously mortgaged to secure cost of construction. Nelson v. Iowa

MELIORATIONS.

Bona fide purchaser without notice entitled to compensation from the owner upon bill filed against him, 98.

Eastern R R. Co., 739, 729, 772, 838.

MERGER.

Civil and criminal proceedings against the same person, 288.

MEXICAN LAWS.

Effect of deed to alien under. Hammekin v. Clayton, 188.

MILL DAM.

When a nuisance, 148,

[See also WATERCOURSES.]

MINES.

Dower in, and how it may be assigned, 227.

MILITARY LAW.

Right to pay during leave of absence, 571. Effect of honorable discharge of deserter, 529.

MISTAKE.

In sheriff's return, 324.
Reformation of contracts in equity on ground of mistake; reformation of marine insurance policy, Hearne v. New England Mut. Mar. Ins.

In indictment, when not fatal, 180.

MONEY.

When bond in "lawful silver money of the Uni-ted States" is dischargeable in lawful money,

434. Note payable in "dollars," with parol agreement that it should be paid in Confederate money,

Parol evidence admissible to show that note pay-able in "current money of Virginia," was payable in Confederate money, 500. Contract payable in gold, judgment for gold,

MORMON DIVORCES.

Alimony pendente lite. Young v. Young, 200,

MORRIS, SAMUEL D.

Sketch of, 150.

MORTGAGE.

520.

Pennsylvania corporation mortgage act; distribution of fund under; preferences among credit-ors; rights of bondholders; payment, when

presumed, 49. Foreclosure in Illinois; order for possession,

324. Priorities between railroad mortgages, 338.

Negotiable character of, 501.

Mortgages, how affected by the war, 661 When and how deed absolute shown to be, 678. Insurance of mortgage interests; effect of subse quent sale to mortgagee and extention of mort-

gage, 710. Execution of, in New Hampshire; one witness to

sufficient, 710. Effect of assigning mortgage without endorsing

Railway mortgages and mechanic's liens; prior-ity of lien in Iowa where railwoad has been mortgaged before construction, and material-man has subsequently furnished ties. Nelson v. Iowa Eastern Ry. Co., 739. Same case crit-

icised, 729, 772, 838. Mortgages of after-acquired property; mortgages

to secure future advances; right of purchasers of mortgage bonds, 739.

MUNICIPAL CODES.

Report of the committee of the New York bar association upon, 277. Charters of the city of London, 277.

MUNICIPAL CORPORATION.

[As to taxation by, see TAXATION.]

Negligence.

Snow and ice on sidewalk, 49, 67.

Defective sidewalk, 49.

Not liable for acts of agents in failing to make

adequate sanitary regulations, 148.
Liability for damages caused by negligence of contractors in repairing street, 305, 321.
Injuries by snow and ice falling from overhanging

Injuries by snow and ice falling from overhanging roof; contributory negligence of passer-by. Garland v. Towne, 442.

When overhanging roof is nuisance. Ibid. Liability for injury caused by unguarded excavation made by person near sidewalk, 483.

Streets and Alleys.

Conveyance of land with reservation of right to vacate streets. St. John v. Quitzon, 89. Conveyance of land bordering on street; subsequent vacation of street; title to soil therein. Ibid.

Legislature may not change above rule so as to

divest right, etc. Ibid.

Lien for street paving in front of cemeteries.

Louisville v. Nevin, 101, 108.

Right of support of land bordering on street, not

acquired by prescription, 304.

Use of public street by railroad company will not

ripen into ownership, 482. No damages for changing grade of street, 531.

Police Regulation by.

Municipal ordinance forbidding reservation of in theaters void. District of Columbia seats v. Saville, 109.

Miscellaneous.

Power to hold property in trust; to take a bequest of money to be expended in United States flags; may not lay tax to execute such trust. Sargent v. Cornish, 380.

Power of state to divert donation from, 388. Enlargement of city boundaries by act of legislature so as to interfere with representative dis-

tricts, 727.
Liability for non-exercise of corporate powers;
what tribunal must decide necessity of improving streets. City of Henderson v. Sandefor,

When corporation is estopped to deny necessity of improving street. Ibid.

MUNICIPAL INDEBTEDNESS.

Constitutional limit of, in Iowa, applicable to school districts; school orders not negotiable; defences against; claims against school districts must be audited; rights of assignee of such

order, 34.
Certificates of Auditor of late Board of Public
Works of District of Columbia not negotiable,

Effect of legislative dissolution of municipal cor-

poration upon corporate debts, 230.

Validity of bonds issued by a town for support of

the poor, 277.
tailway-aid bonds; mandamus to compel levy of
tax beyond statutory limit; 320.
ontracts for street paving; implied power on the
part of municipal corporations to contract indebtedness. Hitchcock v. Galveston, 331; re-

viewed, 583. Railway-aid bonds (in Missouri); want of power to issue. Sherrard v. Lafayette county, 347.
Power of trustees of town corporation to contra

for engraving of bank notes. Chaney.v. In-habitants of Brookfield, 367. Power of legislature to authorize municipal aid to railways; an election does not exhaust power; railways; an election does not exhaust power; change in votes; lapse of time before election is held; effect of Mississippi constitution of 1870 upon power granted in 1860; constitution does not apply to bonds issued to pay a valid debt; immaterial change in form; negotiability. Woodward v. Supervisors of Calhoun county, 396.

Corporate subscription in aid of railroad; change in name of company does not invalidate; change

in name of company does not invalidate; change

of route, 403.

Town election ordering tax in aid of railway not

impeachable on ground that one third of tax-

payers did not sign petition, 615.
When judgment-creditor of county may have mandamus to compel levy of tax to pay warrant, United States ex rel. v. Vernon county.

NATIONAL BANKS.

[See also TAXATION.]

Usury laws of states not applicable to; power to fix rate of interest, 98. Same subject, 178. Whether comptroller should pay interest on

Whether comptroller should pay interest on claims during liquidation, 247. Accountability of, for loss of special deposits. First Nat. Bank of Lyons v. Ocean Nat. Bank, 267; Wiley v. First Nat. Bank of Brattleboro.

271, note; commented on, 306.

No presumption that cashier who receives special deposit, acts officially; proof of negligence on other occasions; effect of bank president requesting witness to suppress facts, 267.

Power of Congress to fix rate of interest to be

charged by, irrespective of state laws, 403.

National Banks; power to act as bond-brokers; liability of, for damages accruing through sale of worthless bonds; payment in worthless bonds; ultra vires. Meeker v. First Nat. Bank of Hagerstown, 471. When may take real estate security, 615

Power of, to take mortgage of land, 648.
Power of, to take pledges of chattels, Pittsburg, etc., Car Works v. State Bank, 692.
Not subject to state usury laws. Farmers and

Nat. Bank v. Dearing, 755.

Estoppel against borrower from claiming penalty for usury taken by, 840.

NATURALIZATION OF ALIENS.

See also WATERCOURSES].

[See also WATERCOURS].
Religious tests, 198, 292.
Case of the Norwegian who knew of no constitutional law against polygamy, 25, 303.
Record of naturalization, how far conclusive
what are "courts of common law jurisdiction"
within the recognity of the naturalization of within the meaning of the naturalization acts. People v. McGowan, 752.

NAVIGABLE RIVERS.

[See also WATERCOURSES.]

What constitutes, 50.

Jurisdiction of state courts over offences commit-

ted upon, 146. Obstructing navigation by means of booms for saw-logs. Allen v. N. W. U. Packet Co., 246,

Obstructions by wharves, piers and piers of railroad bridges. Ibid.

NECESSARIES [See INFANTS.]

NE EXEAT.

When petition must allege fraud, 15.

NEGLIGENCE.

[See also MUNICIPAL CORPORATIONS; DAMAGE; BAILMENTS; ATTORNEYS.]

Proximate and Remote Cause.

Building fired by sparks from locomotive, 83, Where railway train, running behind time, is up-

set by gust of wind, 96.

Horses frightened by locomotive, 225.

Horse taking fright and injuring driver; when defective highway is proximate cause. Clark

v. Lebanon, 594. Liability of railway companies for remote fires. 795

Contributory.

Where plaintiff is in fault, law will not adjust

blame between him and defendant, 68.
"Comparative negligence," under Illinois deciwith reference to railroads, 84.

Servant continuing to work in dangerous position

guilty of contributory, 598.

Effect of railway employee notifying superintendent of defective switch, by which employee was afterwards injured, 639.

Respondent Superior; Master and Servant.

Liability of township for negligence of contrac-tors in not keeping bridge in repair, 67-8. Liability of master to servant for injury caused

by fellow servant, 112.

Railway negligence; when company will be held liable for death of employee by co employee.

Connor v. Railroad Co., 201.

Construction of Missouri "damage act," Ibid. Municipal corporation not liable for negligence of contractor, 527.

Liability of master to servant for injuries caused by defective machinery, effect of knowledge of master. Porter v. H. & St. J. R. R. Co., 384, (with note).

When servant is liable at suit of master for recovered of master and for costs and

counsel fees, 574.
Negligence by corporations; master and servant engaged in same common employment; pleading. Kiely v. Belcher Silver Mining Co., 705. Same; pleading in such actions. Knaresborough v. Belcher Silver Mining Co., 707.

By Carriers of Passengers.

Effect of contract to carry at passenger's own risk, Gallin v. London etc. Ry. Co., 217.

Negligent poisoning of infant passenger at sea; right of administrator to sue in rem, 241.

Limitation of liability of ship-owner under act of

1851, in case of killing or injuring passengers,

242. Injury to passenger while traveling on free pass which contains condition against liability. Ne-ville v. The Cork, Blackrock & Passage Ry. Co., 366.

Duty of street railroad employees to bring cars to full stop for passengers to alight, 434.

Defective Highways.

Liability of towns for injuries caused by, 230. Where person injured is traveling on Sunday,

When city is estopped to deny that street is high-

way, 695. Liability of municipal corporation on account of accidents occurring on unimproved streets. City of Henderson v. Sandefor, 767.

Railway Negligence.

Death at railway crossing; contributory negligence of person killed by train, 355.

Contributory negligence; injuries to persons walk-ing on the track, 482.

Relative rights of traveler and railway company

Relative lights of traveler and ratingly company at crossing, 483. Killing mule, where bell has not been rung nor whistle sounded at crossing, 483. Injury to traveler where street crosses railroad in

town, 528. Duty of persons in approaching crossing; pre-

sumption as to proper care, 531. Contributory negligence; stepping from train while

in motion, by a person who is not a passenger, but acting as escort. Doss v. M. K. & T. Ry.

Co., 539.
Killing cattle; omission to ring bell and sound whistle; some late Missouri cases criticised, 546.
Frightening horse by steam; driving horse known to be afraid of steam whistle in vicinity of rail-road; contributory negligence. Phil. W. & B.

road; contributory negligence.
R. R. Co. v. Stinger, 555.
Injury to persons on track. Isabel v. Hannibal & St. Joseph Railroad Co., 590.
Killing child on track; contributory negligence of children; duty of railway company to fence against children. Ibid.; note, by M. A. L., p.

against characters.

593Right of railway employee to recover for negligent injury under Iowa statute, 614.
Injuring animals at public crossing; failure to give signals. Quincy, etc., R. Co. v. Well-hoener, with note by M. A. L., 622.
Liability of railway company for escape of fire from its engines; proof of other fires ignited in same way. Lester v. Kans. City, etc., R. Co., same way. Lester v. Kans. City, etc., R. Co.,

Collision between train and wagon; doctrine of comparative negligence, 662.

comparative negigence, 602.

Fires; duty of company to keep track clear of combustible materials, 662, 794.

Failure to give warning of passing train, 679.

Negligence at crossing by persons licensed to run cars on another road; when actual negligence must be shown, 712.

Law and Fact.

In what sense is negligence a mixed question of law and fact? By H. I. D'Arcy, Esq., 810.

Miscellaneous Cases.

Injury to child by unguarded and unfastened turntable, 163; Keefe v. Railway Co., 170. In towing barges; injury to another steamer, 240. When negligence need not be averred and proved under statute in N. H. Garland v. Towne, 442

The rule in Fletcher v. Rylands; water stored in reservoir; unprecedented storm; vis major; negligence. Nichols v. Marsland, 523.

negigence. Nicnois v. Marsiand, 523.

Owner of private bridge not liable for loss of life of child by falling therefrom, 598.

Under allegation of negligence, proof of wilful tort admissible. Lester v. Kans City, etc., R. Co., 641.

Co., 041. Negligence by surgeon, contributory negligence by patient, Geiselman v. Scott, 708. Warehousemen; duty of, to provide posts for hitching teams, or guard to prevent teams from backing into river, 51.

NEGOTIABLE AND OTHER COMMERCIAL PAPER

Overdue note payable to bearer; defences against; burden of proof; bonds emited by a state for treasonable purposes; endorsement of

governor, 49. Instances of instruments which have been held good promissory notes, 115. Notes payable "on demand, when convenient,"

147. Effect as to subsequent holder of written agreement on promissory note not to negotiate, 147. Liability of accommodation acceptor, 243.

Decisions of federal courts with reference to com-mercial paper, not controlled by decisions of

state courts, 243.
United State treasury notes are commercial paper; status of purchaser after maturity; law of such paper not varied by custom of bankers; duty of bankers when notified of loss of same; right to recover of innocent purchaser such notes when stolen after due. Vermilye v. Adams

Ex. Co., 381. Character of carrier's receipt; effect of delivery of goods by transfer of, 402. Endorsement of draft attached to bill of lading,

transfers right of property, 402.

When note is impeachable in the hands of bona fide holder on ground that signature is obtained by fraud. Shirtz v. Overjohn, 423; note, 425. Holder presumed holder for value; strength of

this presumption. Ibid.

Effect of cutting off condition at bottom of note, and afterwards negotiating note, 434, 840.

Endorsement and suretyship; suspension of commercial intercourse by war, and of statutes of limitating and the statutes of the statute

limitation, 434.

Does Shirtz v. Overjohn overrule Briggs v. Evart?

463, Right of holder of dishonored prommissory note

to recover protest fees, 470.

Article from Law Times on negotiable instruments,

A79.
Negotiable character of mortgages, 501.
Mining stocks pass by delivery; owner depositing on secret trust must bear loss if they are sold, 527.
Partnership note; demand upon, and dishonor sufficient to charge endorser,

by either partner sufficient to charge endorser, even after dissolution, 547.

Requisites of notice of dishonor, 547.

Signature obtained by fraud and circumvention.

Simms v. Bice, 689.

Acceptance and payment conclusive upon drawee; drawee can not recover back on account of mis-

take. First Nat. Bank v. Burkhard, 690.
What is not a negotiable note, 695.
Right of bona fide holder where commercial paper has been procured by fraud from agent to whom it was delivered for safe-keeping and negotiated. Roberts v. McGrath, 734. Under what circumstances bill of lading may be

delivered to drawee of time draft on acceptance

delivered to drawee of time drait on acceptance and before payment. Nat. Bank of Commerce v. Merchts. Bank of Memphis, 803. Acceptance of commercial paper, by what law governed — law of place; validity of parol promise to accept. Scudder v. Union Nat Bank. 827.

NEILSON, HON. JOSEPH.

Sketch of, 126,

Comments on his presidency over the Tilton-Beecher trial, 533.

NEW YORK COURT OF ARBITRATION. Sketch of, 469.

NEW TRIAL.

Misconduct of jurors, Clark v, Inhabitants of Lebanon, 594. See also 662.

When granted, because verdict against evidence. Quincy, etc., R. Co. v. Wellhoener, 622. Newly discovered evidence, 808.

Practice as to, in New Hampshire, 726.

NOTARIES.

Power to coerce witnesses, [See EVIDENCE; subtitle Depositions.]

Injunction not a remedy for a public nuisance,

When mill dam is a, 148.
Business of gold and silver beater, 467.
Whether procession assembled to celebrate the emancipation proclamation is a nuisance; par-ticularity required in indictment in stating offence, 807-8. What obstructions in streets are not indictable,

OFFICES AND OFFICERS.

Ineligibility by reason of having fought a duel; the Kentucky duelling case, 246. Officer disabled by disease entitled to compensation, 529.

PARDON.

Does not relieve convict from satisfying judgment for costs, 147. Circular of Attorney-General Pierrepont with re-

gard to, 372.

Suggestions in favor of a court of pardons, 372.
Comments of the Nation on the exercise of the pardoning power, 572.

PARENT AND CHILD.

[See also CUSTODY OF CHILDREN.]

Right of step-father to compensation for support of step-children, 12.

PARLIAMENTARY LAWYERS.

How to break up lobbies, 310.

PARLIAMENT OF PARIS.

My reception as an advocate in the; from the French of I. I. Bouilly, 486.

Suit for conversion of corporate funds must be brought in name of corporation, 178.

corporation a necessary party in a suit

against trustees or directors, 180.

When assignee of lease need not be joined as complainant in bill to reform same, 547.

PARTITION.

Among devisees, 547.

PARTNERSHIP.

What constitutes; criteria of, 67, 225. Payment to partner after dissolution without no-

Real property purchased with partnership funds

is in equity personalty, 86, 146. Liability of solicitors for misconduct of partners,

Partner speculating with firm's money in outside transactions must account for profits, 130.

Rights of joint inventors inter sess, 191.

Estoppel; liability of retiring partner who permits continued use of his name, 306.

When appropriation of assets by one member in

payment of his private debts may be avoided as fraudulent, 353. Retired partner estopped by permitting use of his

name, 355. Relation of surviving partner to representatives of deceased partner; purchase by surviving partner at executor's sale, 468.

Partner may not discharge private debt with part-nership funds; prior right of partnership credit-

ors to assets after dissolution, 547.

Power of liquidating partner to execute note so as

to bind firm, 631.

Partnership real estate deemed personalty; onus or denying it, and what he must prove, 725. No dower in partnership real estate, 725.

Joint liability of two separate firms trading as one

firm, 774.

Dissolution of, by operation of war. Mathews v.

May not be used for purposes foreign to a wall in common, 148.

Rights of owner, where a wall has been erected solely at his own cost, 148.

Wall may be a party wall for a portion of its height, and not as to the rest, 195.

Right of either party to rebuild, 321.

PASSAGE OF LAWS.

[See LEGISLATIVE BILLS.]

PRODUCTION OF BOOKS AND PAPERS.

Constitutionality of Internal Revenue Act of June 22, 1874. United States v. Distillery, 749.

PATENT LAW.

What is patentable, 161, 322, 371. Rights of joint inventors inter sese, 191. Patent; combination; substitute; reissue, 243. Craig's patent for improvement in well-tubes, Craig v. Smith, 256.

Charge of profits to party guilty of infringement,

Measure of damages for infringement. Ingles v. Mast, 349.
Action of deceit will not lie for misrepresentation

in sale of, 574.

Sale of; consideration of note; whether a machine

is an invention, 697.

Contract to pay royalty for use of worthless patent not enforceable, 711.

Importer of invention not an inventor, 725

Re issues; new application of previously composition; enlargement of original claim; presumption in case of re-issue; claim of novelty and utility to be tested by state of art at the time. U. S., etc., Felting Co. v. Haven, 758. Interfering patents; when both patents will be ad-judged void. Foster v. Lindsay, 769.

PENAL LAWS.

The Brighton acquarium case, 453.

PAUPER.

Action lies by one district against another for maintaining, 434.

PAVMENT

[See also CONFEDERATE MONEY.]

To attorney, in depreciated currency, 18o. Effect of war on right of agent to receive pay-

ment, 227.

By cheque, conditional only, 661. Evidence of; surrender of notes and mortgage, 66 r

PENCIL WRITINGS.

In judicial proceedings. Lord v. Dunbarton, 603.

PERJURY.

Committed in federal tribunals, not punishable in state courts. Ex parte Bridges, 327; S. C. on appeal, 368.

PHOTOGRAPHS.

Use of, as proof of identity in criminal cases, 462.

PIERREPONT, MR. ATTORNEY-GENERAL. Reforms introduced by him in the department of justice, 373.

PIGOTT, SIR GILLERY.

Death of, 325.

PILOTS.

On navigable rivers; degree of skill required of them., Atlee v. Union N. W. Packet Co., 254. Running vessel againt time, Ibid.

PLEADING.

When petition for ne exeat must allege fraud

(Illinois), 15. What is a sufficient averment of an insurable in-

what is a summent averment of an insurable in-terest (Ohio), 34.

Petition by surety to open judgment and for issue; allegation showing him entitled to dis-charge must be specific (Pennsylvania), 35.

Pleading non-joinder of husband in suit by wife;

effect of demurrer to such plea. 97.
What the complaint should specify, in an action against a bank for failing to make return of

net income, 107.

Multifariousness, 179, 228.

In Tennessee chancery court, statute of limitations may be set up by plea in answer although

it has been set up by demurrer and overruled.

Bolton v Dickens, 477.

Answer of municipal corporation, how signed and sealed, 735.

and sealed, 735.

Necessary averments in action for penalty under Illinois statute to prevent extortion and unjust discrimination by railway companies. Chicago, etc., R. Co. v. The People, 741.

Answer, under Oregon code; conciseness necessary; evidence must not be pleaded, 792.

Estoppel must be pleaded, substance of, 792.

Pleading filed by a county must, in Oregon, be signed by district attorney, 792.

Revival of the general issue in Missouri, 809.

Unrecorded lease of chattels; rights of pledgee against the owner, Pittsburgh, etc., Car Works v. Bank, 692,

POLICE REGULATION.

What constitutes. 781, 839.

POLITICAL CASES.

Tenant's case, 3 Nebr. 409, quoted from as a political case, 97.

POLITICS AND THE BENCH.

Selection of judges for political offices, 246.

PORTER, HON. JOHN K.

Sketch of, 400,

PRACTICE.

[See AMENDMENTS; APPEALS AND APPELLATE PROCEDURE.]

In Federal Courts.

Specific exceptions, 161, Questions must be raised below by objection, to be available in Supreme Court, 161

Exceptions, to be available in Supreme Court, must be of errors affecting the result, 191.

Notaries no power to take affidavits to be used, except. etc . 246, 277.

Rules of practice in state courts, how far applicable in federal courts, under act of 1872. Weed Sewing Machine Co. v. Wicks, 475.

"Real party in interest" may sue in federal circuit court in Missouri. Ibid.

When principal may sue in his own name on con-

tract made by agent, 529.

Plea of prior action pending in state court.

Brooks v. Mills Co., 719.

In the State Courts.

When appointment of next friend must be proved. Porter v H. & St. J. R. R. Co., 384. Change of venue in Missouri, 437.

PRESCRIPTION.

[See PROFIT A PRENDRE; ANCIENT GRANT.] PRIVITIES.

Between creditors, 596.

PRIVATE INTERNATIONAL LAW.

Where a killing by the negligence of a railroad company happened in another state, the course of Georgia will be governed by their own law as to procedure, and by the law of such other state as to the right to recover, 305.

Action for injuries resulting in death, through

negligence of railroad company, in what state brought, 352.

Extra-territorial force of exemption laws : garnishment in one state of wages exempt by laws of another state. Pierce v. Chicago & N. W. R.

R. Co., 374, 377; Morgan v. Nevilie, 389.

Presumption that the exemption laws of another state are same as those of the former. Ibid, and see note, p. 378. Effect of foreign bankruptcy proceedings, 774.

If one contestant is killed at fighting with fists, stake-holder not an accessory before the fact. The Queen v. Taylor, 458.

PROBATE COURT OF UTAH.

Jurisdiction of, 15.

PROFESSIONAL ADVERTISING. Condemned, 357.

PROFESSIONAL ETHICS. [See LEGAL ETHICS.]

PROFESSIONAL FEES.

Demand of physician against brother's estate for services, 437.

PROFIT A PRENDRE.

Prescriptive right to take sand from a beach; defi-nition of the word "beach," 709.

PROTEST.

[See COMMERCIAL PAPER.]

PRYOR, HON. ROGER A.

Sketch of, 319.

PROXIMATE AND REMOTE CAUSE. [See NEGLIGENCE.]

PUBLICATION OF LEGAL NOTICES. [See LEGAL NOTICES.]

PUBLIC POLICY.

(See CONTRACTS.)

PUBLIC RECORD.

Warrant book of sinking fund is a, 600.

RAIL ROADS

[See also CARRIERS; EMINENT DOMAIN; ME-CHANICS' LIENS; NEGLIGENCE; TAXATION]

Remedy of assignee of land against railroad company for failure to fence track, 48.

ontracts for payment of money to secure loca-tion of, on particular route, void. Holladay v. Patterson, 53, 63

Regulation of the manner in which they shall cross each other; jurisdiction of equity, 67.

Railroad law in Europe, 68.

Liability of company for injuries sustained by one passenger from a disorderly passenger.

Pittsburgh, etc., R. R. Co. v. Pillow, 79.

Can not avoid covenant to build crossings over land by subsequently condemning the land,

615.
Built upon public highway; right of adjacent owners. Phillips v. Dunkirk, etc., R. Co., 669. Damages. Indianapolis, etc., R. Co. v. Hartley, 672. See also 482, 697.

Liability for refusing to carry passenger on freight

Not obliged to afford facilities to express com-

panies, 403, 714.
Contract for construction; jury may take into consideration changes produced by great fire burning away the earth, 728. Liability for refusing to stop train and discharge

passenger; right of passenger to be put off at station for which he purchases ticket; duty of company to run its trains according to its published schedule. Pittsburgh, etc., R. Co. v. Nuzum, 829.

Warehouse burned by sparks from locomotive, 83.
Land grants in aid of; forfeiture of, 85.
Construction of Iowa railroad land grant, 147.

Right of persons not employed to recover for injuries same as employees; statute declared con-stitutional. Kirby v. Penn R. R. Co., 91.

Right of railway company to dig wells on lands acquired for right of way, although an injury to an adjacent spring result, 148.

Duty of a railroad company where its road crosses

a public road, 179.
Right of way; level crossing; covenant to repair

and keep up crossing, 195.
Fencing track; injuries to cattle running at large,

Covenant by railway company purchasing lands to erect stations upon them; effect of lease of railway to another company; specific perform-

ance; parties; injunction, 435.

Constant use of public street by railway company will not ripen into ownership, 482, ights of passenger under "thousand mile ticket," 482.

Rights of ticket," 4 Relative rights of traveller and company at cross

ing, 483. When lessor of railroad is liable for torts happening through its management while leased, 574.

State Regulation of. State regulation of railways; legislative reserva-tion of right to make rules and regulations; validity of act which prescribes different rate for different roads. C. B & Q. R, R. Co, v.

Attorney General, 335. Power of courts over; power of state railroad commissioners to determine site of depots 574,

Law regulating speed of railway trains constitutional, 66o.

Action, under Illinois statute against extortion and unjust discrimination; necessary averments, Chicago, etc., R. Co v. The people, 741.

Chicago, etc., R. Co v. The people, 741.
Railway regulation; legislative abandonment of right to fix tolls; courts must determine what constitutes unjust discrimination. Sloan v, Missouri Pacific R Co., 781.
Railroad bonds, see STATE BONDS.

Evidence; outcry after prosecutrix received knowledge that the act had been witnessed by

third persons, 34. Case where the evidence was held insufficient to

sustain conviction, 404.
Under indictment for, conviction may be of assault to commit, 711.

READ, HON. JOHN MEREDITH.

Sketch of, 16. Criticism of the English Law Times upon, 100.

RECAPTION.

Of goods by force, which have been lost through fraudulent misrepresentations. Anderson State, 159.

RECEIVER

Can property in hands of, be sold for taxes? 601. Appointed in subsequent suit, 678. Oi mortgaged property; notice of appointment,

RECOGNIZANCE.

[See CRIMINAL PROCEDURE.]

PECOLIPMENT

Of damages for defective execution of contract, IQI.

REDEMPTION.

Contract extending time for redeeming land must be supported by good consideration, 324.

RELIEF IN EQUITABLE CAUSES.

Power of courts under codes to grant, in causes not triable by jury. By Hon. P. Bliss, 280, 293.

RELIGIOUS CORPORATIONS.

Power of, to hold land under Missouri new constitution, 389.

RELIGIOUS TESTS.

[See NATURALIZATION OF ALIENS.]

REMEDIES.

[For torts, see TORTS.]

Right of action for injury resulting in death. Letter of Charles C. Whittlesey, 13; letter of E. N. Broyles, 47. Letter of C. W. Moulton, E. N. Broyles, 47. Letter of C. W. Moulton, of Cincinnati. with reference to, 128; comments on said letter, 117; editorial article upon, 165; in what state brought, 352.

To recover legacy, 177.
To recover assets of corporation, in whose name action brought, 178.

On bill to set aside and cancel fraudulent deed, court may decree reconveyance 260. Relief in equitable causes; power of courts un-der system of code pleading to give full relief in causes not triable by jury; article by Hon.

P. Bliss, 280, 293.
Right of recovery when there is an appreciable interval between injury and death; and in case of death by poison. Hansford v. Payne, 722.

REMOVAL OF SUITS FROM STATE TO FEDERAL COURTS.

What statute governs, when causes are removed for review. Murdock v. M. & A. of Memphis,

By one of several joint parties, 161.

'An act to determine the jussidiction of the cir-cuit courts of the United States, and to regu-late the removal of causes from the state courts and for other purposes." (In full), 209. San commented on, 274; construed 275, 277, 283.

Petition by some of the defendants for a removal of the suit, 223.

When removal may be had after trial, 223. When right or immunity is set up under judg-

ment of federal court, 226. Petition for removal, when filed, under act of 1875; irregularities in mode of removal; authentication of record; petition need not be verified. Osgood v. Chicago, D & V. R. R. Co., 275.

Main controversy may be removed, when, etc.,

and carry with it jurisdiction of incidental controversy. Osgood v. C., D. & V. R. R. Co., 283.

Right of removal not affected by appointment of receiver in state court, who has possession of the assets. Ibid.

Not necessary that judge of state court should act upon petition. Ibid, 283.

Manner of reviewing refusal to remove in supreme

Manner of reviewing refusato remove in supreme court of U. S. 290.

Where the defendant is a county; county is a "citizen," 305.

Members of foreign corporation conclusively presumed to be aliens. Terry v. Imp. Fire Ins. Co.,

Whether the state court has a right to pass upon the petition, 484, 283, 730, 679.

"Main controversy," when between plaintiff and defendant, First Nat. Bk, v, King Wrought

Iron Bridge Co. 505.
When the state court has jurisdiction to appoint receiver, notwithstanding filing of affidavit and bond. Ibid.

Final disposition of this case by Mr. Justice Miller, 616.

ler, 616.
Construction of act of 1875 by Baker, J., of circuit court of Alexander County, Illinois, 679.
Whether a foreign corporation may, by contract with a state, surrender the right to remove causes to federal courts, 727.
Whether the mere filing of petition and bond ipso facto removes the cause. "The Two Orphans"

case, 730. Scope of act of 1875; residence acquired after commencement of proceedings, 759, 807.

Removal of suits on bonds of revenue collectors,

723. 772. At what term the petition must be filed, 790 Time when application may be made, under act of 1875. Andrews v. Garrett, 797.

REMOVAL OF COUNTY-SEATS.

In Kansas, conclusivenees of election for; when majority of votes cast sufficient. State ex rel. v. Woodford, 818.

REPLEVIN.

Liability on bond, 371.

REPORTS OF JUDICIAL DECISIONS.

Concerning the publication of written opinions in frivolous cases, 17.

REPUBLICATION OF FOREIGN BOOKS. Observations of Boston Advertiser on, 437.

RESCISSION.

Right of one party to terminate contract by rea-son of disability of the other contracting party,

Power of equity to rescind partly performed contracts on ground of fraud; article from Law Times, 399.

RESERVOIRS.

Liability of owner of reservoir for damages caused by water breaking loose. Nichols v. Marsland,

RESTRAINT OF TRADE.

Sale of good will, with contract not to engage in particular business, 662,

What contract not illegal as being in restraint of trade. Schwaim v. Holmes, 668.

RIOT.

Procession of men assembled to celebrate emancipation proclamation is not; the facts stated,

RIPARIAN RIGHTS.

Rights of riparian proprietor as to alluvium; boundaries, 178.

[See WATERCOURSES.]

ROBERTS, MR. CHIEF JUSTICE.

Dissenting opinion of in Keuchler v. Wright; commented on, 17; published in full, 20.

ROMILLY, LORD.

Death of, 56.

SAINT LOUIS COURT OF APPEALS.

Project for its establishment, 422.

SALES.

[See also STATUTE OF FRAUDS; FRAUDS; FRAUDULENT SALES AND CONVEYANCES; VENDOR AND PURCHASER].

Of fixtures and assignment of lease; when title passes; measure of damages for non-delivery,

323. Conditional sale; rights of bona fide purchaser

answer to query, 352.

Of chattel with parol reservation, 387.

Of growing trees; time of removal; trespass, 388, Sale of goods by sample; when purchaser, rejecting goods, must return, 420.

ing goods, must return, 420.

Warranties; representations; purchases of coal represented to be good coal, well adopted for generating steam; evidence not admissible to show inferior quality, 434.

Sale of grain at seller's option; effect of tender of warehouse receipts at board of trade, 450.

When complete so as to pass title; destruction

before delivery, 451.

Purchase of goods by insolvent at auction, without disclosing his condition; insolvent's trustee in bankrup cy may hold goods, 483.
Delivery of personal property sold; damages for not delivering, 661

Right of, under special contract to re-possess. 711.
Pleading such special contract, 711.

Sale of piano; payment in installments; condi-tion against removal, 727.

By steamship company, of goods in its own ves-sel. Pacific Mail Steamship Co. v. Ten Bales of Gunny Bags, 37.

SCHOOL ORDERS.

[See MUNICIPAL INDEBTEDNESS].

SCHOOL TEACHERS.

Authority of, to disregard wishes of parent, 649.

Contracts of ship corporation for use of dock need not be under, 529.

SEAMEN'S WAGES

Master's wages entitled to preference over bottomry bond, 195.

Master's lien for wages under statute, 241.
Charterers not liable for seaman's wages while

vessel is in custody under libel, 528.

SELF DEFENCE.

Quantum of proof to establish, in trial for homi-

The "ideal reasonable man," 649,

SEQUESTRATION ACT.

Right of purchaser to benefit of debt paid by agent of government, etc., 774.

[See also BANKRUPTCY]. Against attorney's lien, 96.

Statute of limitations runs till set-off pleaded, 259. Unadjusted partnership account not pleadable

Effect of conditional purchase of plaintiff's note

to be used as a set-off, 791.

Between the United States and Union Pacific Railroad Company, United States v. Union Pacific Railroad Company, 831.

SHAKSPEARE.

Was he a good lawyer? 69.

SHEARMAN, THOMAS G.

Sketch of, 221.

SHERIFF'S RETURN.

Mistake in, 324.

Pleading; declaration; allegation of special damages, 679.

By minister of the gospel in discourses from the pulpit, 713.

SLANDER OF GOODS.

Article on, from Solicitors' Journal, 287.

SLAVERY.

Court of claims can not try collaterally the ques tion whether one born free was unlawfully held as a slave in Mississippi, 529. Circular of British Admiralty as to slaves taking

refuge under British flag, 714.

SOLICITORS.

Liability of, for misconduct of partners, 93.

SPANISH LAND TITLES.

See LAND LAW.]

SPECIAL VERDICTS.

In criminal cases prisoner entitled a general verdict. Underwood v. People, 315.

SPECIFIC PERFORMANCE.

Evidence to justify decree of specific performance of parol contract, 289.
What contracts can be specifically enforced in

equity. Mastin v. Halley, 795.

SPIRITUALISM AND JURISPRUDENCE,

Paper of Dr. Wharton in Lippincott's Magazine,

SPRAGUE, ABRAM PULLING.

Award of prize to him at Social Science Congress, 729.

STALE DEMANDS.

When sought to be enforced by libels in admiralty, barred by prescription, when, 240,

STARE DECISIS.

Conclusiveness of appellate decisions, 93.

Not subject to doctrine of estoppel in pais; auditor adjusting tax collector's account through mistake. People v. Brown, 542. State and individual as joint tort-feasors. Metz v. Soule, 595. Commented on, 581.

[See LIMITATIONS; ESTOPPEL.]

STATE BONDS.

Louisiana state railroad bonds; rights of holders

of third class, 164.
Mandamus awarded against comptroller of South Carolina to levy tax to meet interest upon, 775.

STOCK DIVIDENDS.

Are capital, and not income, 403.

STATUTES.

[See also CONSTITUTIONAL LAW; subtitle, Levislative Acts.]

Construction of statutes adopted from other Skouton v. Wood, 61.

Iowa statute requiring conditional sale to be in writing and recorded, not retroactive, 131. Construction of statutes which alter the common

law, 434.

Title, when looked to in determining meaning of statute. United States v. Distillery, 749.

Contemporaneous legislative construction. Ibid. When not in force during whole day of passage, but only from date of President's signature, 775

Repeals by implication, 791.

Text of act of 1874, increasing Jurisdiction of Supreme Court of U.S., 101.

Act of 1864, June 30 (13 Stat. 206-7), repeals act of 1862, Dec. 25 (12 Stat. 632), 791. Legislative use of word on previous occasion, State v Woodford 818.

Canons of statutory construction; title of set; historical considerations; consequences of a given construction. United States v. U. P. R. R. Co., 831.

STREETS AND ALLEYS.

[See MUNICIPAL CORPORATIONS.]

STATUTE OF FRAUDS.

[See also FRAUDS.]

Contract to advance money to buy grain on commission, need not be in writing 147.

Sales of sewing machines on monthly installments, 225

Verbal promise to indemnify security and replevin bond void in Missouri. Bessig v. Britton, 296, with note by Simon Obermeyer), 298

Parol agreements colla'eral to contracts within the statute; article from Irish Law Times, 303; decision in New Hampshire, 388. Verbal promise to Indemnify. Wilders v. Dud-

low, 317.
Verbal guaranty when not within the statute, 321.

Verbal agreement to lease for three years, 403 Insufficiency of description of parties in contract of sale under English statute, 404. Contract for use of dock by ship-owner, not

within, 529.

Construction of § 17 of English statute; order and shipment of goods; variation in terms of contract; what is a sufficient memorandum in writing, 530.

T

T

L

Variation of contracts as affected by; article from Irish Law Times, 654. Parol contract not to carry on business for two

years, not within the statute, 726.

STAY LAWS.

History of in Texas, 449.

STOPPAGE IN TRANSITU.

Rescission of sale and stoppage, when not an illegal preference under bankrupt law, 111. Has become a legal right; the right defined; against whom it may be exercised; effect of exercising it; case in judgment illustrating this right. Morris v. Shryock, 235.

STREET RAILWAY CHARTER.

Construction of a, with reference to question of privilege, 305

STREET RAILWAYS.

Duty to bring cars to full stop for passengers to

alight, 434.

lowa statute as to appropriation of streets and alleys applies to; not a nuisance, although ordinance authorizing it repealed, 615.

SUBROGATION.

Of purchase under Confederate sequestration act to benefit of debt secured on the land, etc, 774.

Validity of injunction issued on Sunday, 115. Sunday amusements; the Brighton acquarium case, 453.

Sunday traveling; injuries through defective highways, 662.

[As to Sunday contracts, see CONTRACTS.]

SUPPORT OF LAND.

Right to lateral support not acquired by prescrip-

tion against municipal corporation, 304.
Reservation of mines in conveyance; owner's right of support; construction of clause concerning compensation by mineral owners, 451. Same; article from London Law Journal,

SUPREME COURT OF MISSOURI.

How established under the new constitution, 421,

SUPREME COURT OF NEW HAMPTHIRE. Organization of, 358.

SUPREME COURT OF UNITED STATES.

Admiralty cases in, 1.

Remedies suggested to prevent delay of business in, 2, 55, 101, 512, 545. ule 20 of, amended, 16,

Text of act of 1874, increasing jurisdiction of,

not, 149.

Appellate jurisdiction of, over final judgments and decrees of the state courts. Murdock v. Mayor and Aldermen of Memphis, 134, 135,

Jurisdiction limited to federal questions; grounds on which it will be exercised, stated. Ibid. What not a federal question, 160.

Writ of error to state courts issues to review last judgment and decree only, 161, 163. Question of jurisdiction of state court to be available in, must be raised below, 161.

Appeals and writs of error to; effect of statutory limit as to jurisdiction, 212.

Practice where judgment appealed from, is not in

the record, 371.

Affirmance of judgment for want of assignment

of error, 372.

Mode of presenting questions for review in, where jury has been waived, 601.

A defect pointed out; suits upon coupons clipped

from bonds, 743.

Writs of error lie only to final judgment of high-

est court of state, 745.

Writs of error from, to state courts; "right, title or immunity arising under," the laws of the United States. Long v. Converse, 830.

[See also GUARANTY.]

Release of; agreement to pay interest after note is due, 35

Discharge of, by extension of time, 278.

Defence by sureties on tax collector's bond, that auditor made mistake in stating collector's ac-count, bad, 259.

Contribution between co-sureties, 354. Effect of agreement between holder and maker that further time shall be given, but that "no delay of demand shall interfere with any claim"

upon the endorsers, 434.
Who are sureties in a promissory note, 434.
Liability of sureties in appeal bond, 482.
When surety may sue principal; when, after giving his own note with security and taking up

principal's note, 482. Adjustment by state auditor of tax collector's account, does not discharge sureties. People v.

Brown, 543.

Discharge of sureties on tax collector's bond by legislature extending time for settlement. Johnson v. Hacker, 625. Does part payment by principal arrest statute of

limitations as to surely? 647, 677.

Surety released by surrender of collateral deposited for his indemnity, 661.

When entitled to relief against principal on bill

quia timet, 679. Sureties on assistant treasurer's bond, not liable for his defaults as stamp agent, 792.

TAXATION.

United States Internal Revenue.

Action on distiller's bond; capacity tax; time during which distillery could not be operated to be deducted; erroneous assessment not appealed from, how far res judicata, 83.

Action against bank for failing to make return of net earnings; what the complaint should specify. United States v. The State Nationa Bank resure.

Bank, 107.

Succession tax; when "accrues" to government,

599. United States direct tax; certificate; evidence; assignment, 677. Effect of acts of commissioners, 678. Powers of officers of treasury sioners, 678. Powers of officers of treasury department, 678. Evidence; title of former

Production of books and papers; act of June 22, 1874, construed. United States v. Distillery,

What particularity of description required in motion to produce books and papers, Ibid.

Tax on tobacco; construction of act; when took effect, 775.

By Municipal Corporation.

Authority to create debt implies authority to tax. Citizens, etc., Asso. v. Topeka, 156. Without power to tax, debt void. Ibid.

Taxation by, in aid of manufactures, void. Power to tax to raise money to execute trusts. Sargent v. Cornish, 38o.

Power of municipal corporation to compel dog-owner to take out license, 563.

Of Privileges.

Tax on wholesale dealers unconstitutional, 305. Constitutionality of occupation tax. Texas Banking, etc., Co. v. Texas, 69x. Constitutionality of Michigan tax on liquor deal-

ers. Youngblood v. Sexton, 700. Taxation of insurance premiums; tax due on

whole sum collectible, and not alone on amount actually paid, 710.

Of Railway Property.

State taxation of lands granted to railroads, 85. Of Union Pacific Railroad land grant, 104.

Equalization of taxation upon railroad property

in Illinois, 438. In Pennsylvania; taxation of gross receipts; exemption from taxation, 449. Tax determined by length of road unconstitu-

tional. 774.

TAX TITLES.

Void assessments, 15.
When good as against United States patent, 354.
Title under United States direct tax, 450.
Rights of holders of lands in Kansas under void tax deeds. Smith v. Smith, 720.

Miscellaneous

Of school lands which have been sold on credit,

A statute providing that, on failure of a township treasurer to make return of a tax-warrant is-sued to him in the time therein provided, the

county treasurer shall issue execution against him, is not unconstitutional, 99. Constitutionality of laws exempting manufactur-ing establishments from taxation, 114. Or rail way corporations, 449.

Laws levying tax in aid of private enterprises void. Citizens, etc., Association v. Topeka, 150, 156,

Power of equity to restrain; equalizing assessments; duty of board of supervisors in Illinois,

Trespass de bonis asportatis against tax collector by lien-holder, 324. Can property in hands of receiver be sold for

taxes? 601 Constitutional exemption from taxation of insti-

tution of purely public charity; taxation of Catholic schools in Ohio, 632.

Application of collector for judgment; proceedings; evidence; appeal; costs, 661.

When equity will not enjoin, 678. Equity jurisdiction to restrain; allegation of irre-parable injufy; joinder of several complainants in bill to restrain tax. Youngblood v. Sexton,

Act limiting the enjoining of the collection of taxes not unconstitutional, 775. Taxes not subject to set-off, 678.

TELEGRAPHS.

The law of; article by T. C. Spellings, 198. Liability of, for damages for failing to deliver cor-rectly dispatch ordering sale of hogs, 616. Reasonableness of stipulation in telegraph blank;

unrepeated message; liability, 631.

The law applicable to the negotiation of contract

by, 547. Liability of telegraph companies for mistakes and delays in sending messages, 731, 747.

TENANTS IN COMMON.

Rights of part owner against licensee of co-owner, 452. Crop grown by one, is absolutely his, 678.

TENDER.

Withdrawal of currency tendered under unau-thorized order of court, 598.

TERRITORIES.

Veto power of governors of, 453.

TEXAS CATTLE.

Statutes forbidding the importation of, 288, 777, 839.

THEATRES.

Rights of lessee of stalls and boxes, where old one is burned down and new one built instead, 451.
Ordinance forbidding reservation of seats previous
to opening of exhibition, void. District of Columbia v. Saville, 100.

THE TILTON-BEECHER CASE.

A birds-eye view of the court and counsel in, 126, 159, 189, 221, 272, 319, 400, 445, 463. Comments upon, 533.

[See also NEGLIGENCE; TREPASS, and various other appropriate titles.]

Right of action for being bitten by a malicious dog; scienter of owner; measure of damages, 34.

TRACY, B. F. Sketch of, 221.

TRADE MARK.

Name of a town can not be, 438.

Equity will not protect trade-mark covering dele-terious substance against infringement, 598. When one may use his own name as trade-mark,

bog.

Deception upon public by use of the word patent; when defendant may take advantage of Consolidated Fruit Jar Co. v. Dorflinger, 721.

TRESPASS

Kicking of mare by horse through boundary fence

whether damage too remote, 51. Lessee of mines under verbal contract may main-

tain trespass for taking ore, 663.
When defendant in trespass quare clausum will be entitled to general verdict, 711.
Records of town admissible to show title in those

through whom defendant claimed, 711.

Liability of grantee of growing timber for entering to remove same after expiration of reasonable time; measure of damages, 711.

In cutting down and removing timber; measure of damages, 711.

TRIAL BY JURY.

Effect of not entering waiver of, upon records

223. Observations of Hon. Charles S. May, upon, 230.

Judicial interference with juries, 247.
Reforms in jury system proposed, 261.
When prisoner entitled to general verdict. Un-

When prisoner entitled to general verdict. Underwood v. People, 315.
Act taxing losing party with jury fees unconstitutional, 533.
Comments of the Irish Law Times on the functions of juries, 573.
Comments on the jury system, 730.
Right of, not prejudiced by internal revenue law of June 22, 1874. 749.
Construction of statutes requiring charge to be in writing: such statutes mandatory. Duncan

in writing; such statutes mandatory. v. State, with note by J. O. P., 90.

Some observations on the tramp nuisance, 565,

[See also MARRIAGE SETTLEMEMTS.]

What acts amount to a declaration of, 51. Trustee buying at his own sale, 163.

Defaulting trustees; assignment; account, 179.

When reconveyance by trustee of barren trust

will be presumed, 192. Trust running with land not barred by limitations

Stock dividends are additions to the capital stock, and not to life-tenant, 403.

Enforcement of executory trust in equity, 775.

Resulting.

Estoppel by accepting lease, 96.

Article from Law Times, 479.
Director of railway company purchasing railway at judicial sale, chargeable as trustee, 598.
Entry of land by one person in name of another,

UNDUE INFLUENCE.

Setting aside deed on ground of; quantum of proof; mental capacity, 323.

UNION PACIFIC RAILROAD.

Taxation of land grant of. U. P. R. R. Co. v.

McShane, 104.

Right of United States to recover 5 per cent of net earnings of; same recoverable in action at law. United States v. Kansas Pacific R. R,

Right of government to retain money due Union Pacific Railroad for transportation of mails, etc. United States v. Union Pacific R. R. Co., 831.

UNITED STATES COURTS. [See JURISDICTION.]

UNITED STATES TREASURY NOTES.

[See NEGOTIABLE and OTHER COMMERCIAL PAPER.]

UNITED STATES DIGEST.

A question and answer concerning, 111.

USAGE

Inoperative if contrary to law or repugnant to contract sought to be varied by it, 574.

Note for \$500, with ten per cent. interest, nego-tiated for \$450, held to be usurious, 99. The usury laws of the different states, 164. [See also NATIONAL BANKS.]

UTAH.

Jurisdiction of probate courts of, 370. Administration of justice in, 261.

Account of a trial for polygamy in Utah, 276.

VACANCIES ON THE FEDERAL BENCH. Power of the President to fill by an ad interim appointment, 246.

VENDOR AND PURCHASER.

Parol agreement that vendor shall convey to third person in case he pays the purchase-money, 36. When vendee may set up outstanding title, 67. Vendor's lien; judgment debtor of vendor may have enforcement of, 68.

What necessary, before vendor's lien can be en-

forced in equity, 130. Effect of assignment of title bond, 180. When covenant not broken until eviction, 250, Sale of real estate by contract; equitable in

terminated by abandonment, 37x.

Action on note for purchase-money; when defendant may show partial or total failure of consid-

eration, 388.

Where wife refuses to relinquish dower, vendee cannot compel specific performance as to vendor only, and retain a portion of purchase-

money, 434. Vendor's lien, how enforceable out of property set apart to widow as homestead, 449.

Sale at auction, subject to conditions as to title; misrepresentation; specific performance, 483. Voluntary conveyance with covenant to erect messuage, 484.

VENUE CHANGE OF.

[See PRACTICE.]

When conclusion of law upon facts found will be regarded in the light of special verdict, 192. Unanimity of, 681, 715.

VOGT, CARL.

Extradition of, 36.

VOLUNTARY ASSOCIATIONS.

May maintain trover for property taken by retiring members, 726,

VOLUNTARY SUBSCRIPTIONS.

Decedent's estate not liable for, 178.

VON ARNIM.

Trial of, 36.

WAIVER.

[See GOVERNMENT CONTRACTS.]

WAITE, MR. CHIEF JUSTICE. Brevity of his opinions, I,

WAR.

Condemnation of property under laws of; infor-

Concemnation of property under laws of; information under act of 1861, 289.

Sale of property under deed of trust, grantee residing within insurrectionary lines, 321.

Effect of suspension of commercial intercourse on statute of limitations, 434.

Captured and abandoned property act; right of

Captured and abandoned property act, figures, recovery under it, 482.

Citizen of New York could not acquire property in Savannah during suspension of intercourse, nor claim same under captured property act.

Trading across military lines illegal, 528.
Various decisions of the U. S. court of claims under the captured and abandoned property act, 528, 529.

Alien enemies may be sued, and property sub-

jected, 661. Dissolution of partnerships by. Mathews v. Mc-Stea, 800.

Status of southern courts during the, 149. Effect of, on authority of agent to receive pay-

ment, 227. Effect of on contracts of life insurance, 243, 500.

WATERCOURSES.

Owner of diverted stream, where diversion has lasted from time immemorial, has proprietary right in it. Holker v. Porritt, 476 Proof of user; change in use of stream; burden

of proof, 488.

of proof, 488.

Ancient dam overflowing lands of another; effect of proof of user for twenty years, 500.

Ownership of islands springing up in Missourl river; distinction between "avulsion" and "gradual and imperceptible accretion," not applicable to the Missouri river, Benson v. Morrow, 798; commented on, 793.

Overflow may be made by keeping dam in repairs although flow has been diminished for several years by being left out of repair, 572.

years by being left out of repair, 575.

Prior use, unless for period of prescription, does not give exclusive right to use of water, 728.

WAREHOUSEMEN.

[See NEGLIGENCE; CARRIER.]

Remedy for in equity, 695.

WHITTELSEY, CHARLES C. Death of, 181.

WIDOW'S ALLOWANCE.

Whether widow is barred of her statutory allowance by an ante-nuptial agreement, 259.

Is a judgment, not impeachable, and not subject

to off-set, 449.

Where homestead has been set apart to widow, proceedings to enforce vendor's lien, 449. WIFE'S SEPARATE ESTATE.

See HUSBAND AND WIFE.

Devise; "Issue," when a word of limitation; limitation over; estates tail; disclaimer, 82. When real estate, as to which the testator died in-

testate, shall be sold for the payment of a legacy,

Foreign will; renunciation by widow, 113. Special devise, when absolute, 130. Legacy made upon condition of legatee's personal

Legacy made upon contains
affection therefor, 179.
Jurisdiction of courts of equity to grant relief in
case of forgery or alteration of; effect of laches
in such case. Kiely v. Glynn, 184.
"Children" means legitimate children; evidence

of intention, 194. Evidence of declarations of testator, when admissi-

ble, 195.

bie, 195.
Child in ventre sa mere, 195.
Legacies given by duplicated codicils, 195.
Legacy which vests in estate, 227.
Failure of legacy through emancipation of slaves,

305.
Devise; sale by him; answer to query, 352.
Bequest to charitable purpose, when upheld, 354,
Effect of bequest of money to municipal corporation to be expended in the purchase and display
of United States flags. Sargent v. Cornish, 380.

Effect of devise to executors with power to sell, 401.

word "children" embraces illegitimate

The word "children" embraces illegiumate children, when, 451.

Gift to a class; bequest by A. to the nephews and nieces of B., "who were living at the time of his decease," 483.

Power of husband to dispose of a life insurance policy by will. Williams v. Corson, 520.

Testamentary capacity and "undue influence,"

Devise of an estate in fee in remainder to take effect upon the falling in of three lives; partition,

547. If devisee induces testatrix on death bed not to sign codicil by orally agreeing to convey, court of equity will enforce agreement, 599.
Validity of will written on a slate, 651.
Survivorship; construction; sale of contingent interest in legacies, 661.
Testimony of non-professional witnesses admissi-

ble to prove want of testamentary capacity, 825. Construction of will in Reck's appeal, 631. Executory devise; the words "in trust" as de-

scriptive merely, 694.

Devise of proceeds of land when sold; vested in remainder in fee; restrictions on right of alien-

ation, 727. WITNESSES.

Fees of, 34. Privileges of, before Congress, 100.

To refuse to testify before grand jury as to gam, ing, on the ground of criminating himself, 180-Privilege of, before military tribunals with referto actions for words spoken. Dawkins v. Lord Rokeby, 485, 491. Liability of, generally, for words spoken on wit-

ness stand, 503, 518. Right of witness to decline to answer where an-

swer will criminate him; duelling, 531.

Impeachment of, on account of habits of blas-

phemy, 573.
When lunacy will render witness incompetent;

court judge of competency, 599.

Mode of enforcing attendance of, in New Hampshire, 710. In capital cases, 711.
Impeachment, evidence of former conversations,

711.
Admission of having been guilty of felony competent as affecting credibility, 711.
Legislature of Canada may compel attendance of;

omission to specify cause in warrant no defence,

Impeachment of, by showing character for truth and veracity at former place of residence, 839. Married woman sueing in a federal court in Wis-consin for personal injuries competent, 83. Plaintiff, in action for crim. con., how far competent, 102.

WOMEN.

Right of, to vote for federal officers, 48. Cannot be justice of the peace in Maine, 20. Female suffrage in early history of New Jersey,

The Fourteenth Amendment and woman suf-frage; decision of the Supreme Court of the United States, in case of Minor v. Happersett, 246.
Women as members of school committees in Mas-

sachusetts, 403.

May not practice law in federal courts, 529.

Women's relation to civil government, 581.

WOODRUFF, HON. LEWIS B. Sketch of, 617.

WORDS.

"Cattle" includes hogs, 322.

WRITTEN INSTRUMENTS.

Causes of construction of, 131.

Alteration of; evidence; law and fact, 323.

Alteration of note by payee invalidates note, 483

Validity of court papers when written in pencil.

Lord v. Dunbarton, 603.

Evidence, in case of altered note, of person who saw maker sign the supposed note, 791.